Mr. N. Krishna Aiyar
„ Kochikal P. Balakrishnan Tampi
„ Puthupalli S. Krishna Pillai
„ T. W. U. Park

Mr. James Fletcher: A Muslim member may also be nominated.

Mr. K. K. Kuruvilla: I accept that suggestion and include Mr. T. Mahomed Ismail.

Mr. Kottur Kunjukrishna Pillai: I suggest the name of Mr. P. I. Simon on the select committee since he represents an important section of the Christian community.

Mr. K. M. Kesavan: I second it.

Mr. K. K. Kuruvilla: I accept his name.

The motion that the Bill be referred to a select committee consisting of the members indicated was next put to vote and carried.

THE TRAVANCORE SPECIAL MARRIAGE AND SUCCESSION BILL.

President: With regard to this Bill I rule the amendment No. 4. standing in the name of Miss. Thressia Kora, is out of order. Mr. Fletcher may now proceed to offer his remarks if any.

Mr. James Fletcher: Sir, the honourable members may be aware of the fact that a large number of meetings have been held by Muslims in various places and have passed resolutions requesting that the muslims may be exempted from the operation of this Bill. Therefore, that is an additional ground for me to support the amendment namely that the Muslims may be exempted from the operation of this Bill.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I oppose the amendment on the ground that it is not fair to the name of this House and its reputation outside that a particular group should intimidate us into some sort of submission regarding this measure.

Mr. K. M. Kesavan: What is that about ?

Mr. Kochikal P. Balakrishnan Tampi: Incidentally for the information of the House I may say that there is a scurrilous pamphlet put into our hands by a certain association. But I do not want to mention the name of the author fearing that he will be getting just the thing that he wants, I mean unnecessary notoriety. Insinuation is made that members here are actuated by class feeling and are out of ulterior motives siding with the majority,

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I can only say that the honourable muslim members of this House should exert their moral influence with their less cultured brethern and induce them not to frighten this honourable House into any sort of submission regarding any matter that is for consideration before this House. I do not wish to invoke the disciplinary jurisdiction of the Chair in that matter. I am afraid that some of the honourable members who spoke also unconsciously were lending themselves, rather using language, having distant resemblance to the language in the pamphlet. The question before the House has to be considered on its merits. I must plainly say that this Bill is not the result of some young romantic Hindu men wanting to carry away their partners from other communities. The object of this Bill evidently is not to bastardise the children born of union not sanctified by customary law or usage in the country. I again appeal to certain honourable gentlemen of this House not to repeat the formal empty slogans which are used in other parts of India, with reason or without reason. Whatever may be advantages, it is very clear that the minorities here are pampered and are cared for in that they are even put on all select committees even when other considerations may not justify or impel us to include them. I want to be euphemistic. There is no point in people repeating oppression of minority suppression of their views or imposition of majority will and so forth, I am sorry that in spite of the fact that very laudable work is carried on by the University of Madras and since then by the University of Travancore, seemingly educated men are carried away by what is called the herd instinct.

I appeal to the honourable members to decide things on their merits, to develop that capacity to come to a detached point of view. It is very difficult to start with, I admit. Concentrated effort- I am afraid I am becoming a little pedagogic—will end in some sort of success. I have only to say that it will be a great charge against the State if the society does not make itself responsible for the maintenance and reputation of a large number of its helpless young men and women. It is in order to afford every man his status in life, every man to live without the stigma of birth not recognised by society, that this Bill is enacted. I have come across many Muslims and Catholics of the same denomination as my friend Mr. Fletcher. They were not very violant about it. In fact they had nothing to speak against the Bill. One or two honourable members who were quoting Muslim Law have not done full justice to the law itself. Muhammedan Law makes a distinction—I say from memory—between people of one class Kithabis,

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and Non-Kithabis or people of another group. Non-Kithabis, according to the Muslim Law, are the idol worshippers. The Hindus of India, according to the best Muslim opinion, are not Kithabis. According to the Muslim Law, religions which have no Prophets cannot be known as Kithabis. I may point out that according to the Muhammedan Law, marriage between a Muslim girl and a Hindu cannot be deemed to be a marriage between a Kithabi and a Non Kithabi. I would make a suggestion that if anybody is interested to know the actual position he may acquaint himself with the Korhan which is in Arabic or consult some Muslim authorities.

Behind the Muslim comes the doughty Catholic. According to some, their religion is in danger. But devoted Catholics elsewhere are not against the provisions of this Bill because the enactment in its very nature does not compel the orthodox Muslim, the Catholic or the Hindu to come within its ambit. It compels only those, according to some, who have fallen away from the grace.

Mr. Abdul Tayeb Shaikh Kaderbhoy: May I inform the honourable member that there is no objection for a marriage between a Muslim boy and a non-Muslim girl provided she is willing to be converted into Muhammedanism.

Mr. Kochikal P. Balakrishnan Tampi: For the information of my friend, I may say that this Bill does not compel anybody to follow its provisions who are too religious in that sense of the word. Therefore good Muslims need not be so anxious about any Islamic young or old man in that community to go out of the religion and enter into marital relationship with a woman from any other community. Therefore I appeal to the House, although I did not myself obey the instructions which I humbly give to the House, not to waste our time but to easily make this into law.

Mr. Kottur Kunjukrishna Pillai: I wish to oppose the amendment. In doing so I do not think it is necessary for me to consider the elaborate arguments put forward by my friends Mr. Mahomed Ismail and Mr. Fletcher for the simple reason that those very learned arguments would be strictly relevant only if I had introduced amendments either in the Christian law of marriage or in the Muslim law of marriage. This Bill seeks none of these. For the information of those honourable members who opposed the Bill, I may say that it does not obstruct any system of marriage either legal or illegal. I think the opponents of the Bill might have thought that if anybody wants to have illegal marital relationship he can do it only by coming under provisions of this Bill. It is not necessary. In other words I want to assure the House that this Bill does not seek or think it possible to prohibit concubinage. To

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[Mr. Kottur Kunjukrishna Pillai.]

put it plainly, those who oppose the Bill want to continue the freedom of communities to indulge in extra marital relations without responsibilities imposed by any law.

Mr. K. K. Kuruvilla: I wish to know how this Bill can prevent concubinage.

Mr. Kottur Kunjukrishna Pillai: It can be prevented if the man and the woman agree. They need not come in under this law if they so wish. Even now they are free to do it. If the man and the woman agree they can well carry on as now. It is only when the partners agree to come under the provisions of this Bill that they are obliged to undertake the responsibilities. So that, the Bill does not seek to disturb anybody. If they want marriage only after conversion they can do so. If they do not agree on conversion but agree to continue the concubinage, they can very well do so. But if both agrees to come under the provisions of some Act and give the wife and the children the status of legal relationship, then this Bill helps such people. You cannot think of a Bill which is under non-interfering. It is open for both parties to say that they refuse to come under the provisions of the Act. If the man yields to the wish of the wife, then here is enabling provisions in the Bill. If both of them agree, there is no difficulty. I ask the honourable members, to consider seriously whether the Bill interferes with any religion. There is absolutely no interference. If only the two parties say that they want a marriage under the Bill that this Act can supply. In that case why should you oppose a measure of this kind? Why should you interfere with the individual liberty of a person? Nobody in justice has got the right to deny that freedom. I would ask the opponents of the Bill to realise how unjustifiable it is to put forward such a suggestion. Even persons belonging to various communities should have the right to come under the provisions of the Bill if they so desire. Under these circumstances, I do not think that even the mover of the amendment will think that there is any serious difficulty with regard to the working of the Bill. There need not be any apprehension that there may be any large number of such marriages. From the information that I have been able to gather from Cochin where similar legislation has been prepared, marriages between the members of prohibited communities are becoming less and less on account of the law. A Muslim will think twice before entering into a prohibited marriage because he will be compelled to shoulder the responsibilities arising therefrom. Therefore, I think morally also this Bill is good. It will check concubinage and illegal relationship which are prohibited by all religions. So, even from the point

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of view of orthodox Muslims to keep their faith in the path of righteousness this Bill is necessary because it restricts the possibility of un-Islamic marital relationship. So this is a progressive piece of legislation, harmless and non-interfering. I think the apprehensions of my friends will vanish if they are prepared to concede that only those who are prepared to shoulder the responsibility is asked to enter into marital relationship with the members of other communities. In that case the children of such communion will be legitimate and they will discharge their duties properly and to the welfare of the whole country. With these words, I appeal to the honourable members who moved amendments to think over the matter and consider whether their objections are after all very substantial.

Mr. M. K. Ananthasiva Aiyar: I wish to have a doubt cleared by my honourable member. Supposing a Muslim enters into concubinage with a non-Muslim who wants to come under the protection of this Act, but the Muslim does not want it, what is the protection here?

Mr. Kottur Kunjukrishna Pillai: There is absolutely no protection. Only if both parties agree the marriage can be protected under this Act.

Sahib Bahadur T. Mahomed Ismail: To what community will the children born of such marriages belong?

Mr. Kottur Kunjukrishna Pillai: They will belong to any community they choose to belong. If they choose to be Hindus they can be Hindus. Fortunately after the Temple Entry Proclamation any one who is by faith a Hindu can have all the religious privileges of a Hindu.

Mr. Kochikal P. Balakrishnan Tampi: May I ask whether they are not going to be the first generation of non-denominational children of our times?

Mr. Kottur Kunjukrishna Pillai: If they want they can very well be as non-denominational as my honourable friend Mr. Tampi.

Sahib Bahadur T. Mahomed Ismail: My friend says that the children can choose any religon. I would ask to which religion they would belong before he gets the power to choose to himself?

Mr. Kottur Kunjukrishna Pillai: That will depend upon the degree of authority of one or other of the partners.

Sahib Bahadur T. Mahomed Ismail: Therefore we leave the matter indefinite there.

Mr. Kottur Kunjukrishna Pillai: Not at all. We leave the matter as free as it should be.

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Sahib Bahadur T. Mahomed Ismail : Which section in the Act says that a child can choose such and such a community ?

Mr. Kottur Kunjukrishna Pillai: Sir, the merit is that no section says it.

Sahib Bahadur T. Mahomed Ismail: That is the reason why I say it is indefinite.

Sahib Bahadur T. Mahomed Ismail : Sir, I have a right to reply before the amendment is put to vote.

President : Yes, why don't you exercise it.

Sahib Bahadur T. Mahomed Ismail : I thought that the Legal Remembrancer will have something to say.

President : No. Government does not take any sides.

Sahib Bahadur T. Mahomed Ismail : Sir, it is four months since I moved this amendment and I believe I have fully explained the full implications of this Bill, comparing the provisions with the provisions of the Mohammedan Law and the principles contained in the Koran. I believe I have explained every one of the provisions so as to convince the honourable members that the provisions of this Bill are against the fundamental principles of Mohammedan Law. I also stated that the law of succession and inheritance contemplated in this Bill is against the fundamental principles that we were following from the very beginning of Islam. I do not wish to reiterate these points but only wish to confine myself to say that in matters of marriage, succession and inheritance, this Bill, is against our religion. Sir, the supporters to my amendment have all spoken for it four months ago. To-day I have heard only opposition speeches. The opposition speeches, with great respect to the honourable members, I must say, have not touched a single point which I raised in my opening speech. They simply stated that, generally, it is a good measure for the country, and in many cases, it was an advice to me and to my Muslim friends, that we should not press my amendment. I think that my friends will credit me with the sense to understand the implications of this Bill and how it conflicts with the principles of Islam. If only my honourable friends are charitable enough to credit me with that sense they would not have asked me to think over the matter again. I thought over the matter sufficiently and it is with a full sense of responsibility to my country and to my community that I have tabled the amendment. The only argument put forward by the opposition is that there is much trouble and calamity in the country due to the existence of concubinage which again is the consequence of the want of a law to legalise marriages between members of different communities. If one man for instance loves a woman belonging to another community there is no provision in our law to

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allow him to marry that woman. In order to effect love marriages, it is said this Bill is introduced here but I must inform this House that if I can be convinced that such concubinage and illegitimate children are all the result of this want of legal provision alone I can understand it. It is far from it. From this ideal state of affairs if we come to the simple level of practicability, we will understand that it is not a question of love but it is the result of moral degeneration due to the irreligious attitude of modern society.

President: Does not the Prophet Mohammad suggest that people who have any concubine should be stoned to death. Is it in the Koran ?

Sahib Bahadur T. Mahomed Ismail: Yes, Sir. Adultery and concubinage are to be punished according to religion. I have said even last time that they are prohibited by religion.

President: So every Mohammadan who lives with a concubine is acting against the dictates of religion. Therefore why should Muhammadanism have any sympathy towards those who act against its very religion ?

Sahib Bahadur T. Mahomed Ismail: There is no question of sympathy. I am opposing a law which legalises acts forbidden by religion.

President: By the very fact that he keeps a concubine he ceases to be a Muhammadan.

Sahib Bahadur T. Mahomed Ismail: He does not cease to be a Muhammadan.

President: Why not? If a Muhammadan who goes to a concubine is directed by Prophet as deserving to be stoned to death, can he continue to be a Muhammadan if he lives in concubinage ? If he is not a Muhammadan how is the Muhammadan community concerned with any one who is not a Muhammadan ?

Sahib Bahadur T. Mahomed Ismail: He does not cease to be a Muhammadan simply because he lives in concubinage. He can marry her, he can repent and he may be punished. But as long as he believes in God and religion and other requisite principles he remains a Muslim. Again this Bill allows him to remain a Muslim and inherit.

Mr. Puthupalli S. Krishna Pillai: Is it a rule that when a person is stoned to death only small stones should be used ?

Sahib Bahadur T. Mahomed Ismail: It is only an injunction just to prohibit him from indulging in such matters.

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President: There is a very elaborate story both in the Old Testament and the Puranas dealing with various kinds of offences for which stoning is prescribed.

Sahib Bahadur T. Mahomed Ismail: The Holy Koran also provides punishments for such offences.

There is no provision, it is said, for love-marriage. I think the oriental conception of love according to every religion is to love whom you marry rather than to marry whom you love. Love is a sacred thing and therefore we can love a lady only after marrying her.

President: What about Tamineh and Rustum in "Sohrab and Rustum"? Both of them loved before marrying.

Sahib Bahadur T. Mahomed Ismail: These novel examples and individual instances should not be considered when we are discussing questions of principle. I must also state that the reason why this Bill is brought forward, as one of my friends, Mr. Kesavan, stated in his speech, is rather sentimental. He said that when a Musalman mates with a non-Muslim woman it is a matter of heart-burning to the members of the woman's community. I would ask honourable members whether we cannot keep our women as women consistent with womanly qualities. If they can be kept according to decency and within bounds, then there is no necessity for heart-burning.

Mr. Puthupalli S. Krishna Pillai: What about man?

Sahib Bahadur T. Mahomed Ismail: Men are also expected to keep themselves within bounds, but if women are allowed to flirt about with their charms and keep their doors open, men are liable to be led astray.

Mr. V. Sankara Menon: May I know whether men are also susceptible to enchantments?

Sahib Bahadur T. Mahomed Ismail: If my honourable friend Mr. V. Sankara Menon, old as he is, is still alive to enchantments he can have his own way.

Sir, this heart-rending problem is not a problem which could be cured by this law. I don't think there is any necessity for me to go into the questions that I have discussed last time elaborately.

Mr. K. K. Kuruvilla: How will this Bill conflict with religious principles, when we have a right to excommunicate a person if he disobeys an injunction. How can then religion be in danger?

Sahib Bahadur T. Mahomed Ismail: This law nullifies the provisions of excommunication. Supposing for instance a Muslim woman marries a Christian. Then, according to this law, she remains a Muslim even if she is excommunicated and she can claim inheritance. Thus though she ceases to be a Muslim this law

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makes her a Muslim. So it is that we protest. It is because of these basic principles, I have stated that this law is opposed to religion.

Besides, all the Muslim members of this House and Muslim associations and individuals throughout Travancore have protested against this Bill and still do so. If that is the opinion of a whole community, minority or majority, if the whole Muslim community of 5 lakhs of people unanimously protest that it should not be imposed on them, where is the necessity for imposing this law on us?

Mr. Kochikal P. Balakrishnan Tampi: Were not many against vaccination?

Sahib Bahadur T. Mahomed Ismail: Sir, these silly questions can better be left unanswered.

Mr. Kochikal P. Balakrishnan Tampi: My honourable friend seems to find it difficult to acclimatise himself with the politeness of this House. I hope he will withdraw his remark.

Sahib Bahadur T. Mahomed Ismail: Sir, I want to know whether the word 'silly' is parliamentary or unparliamentary.

President: Certainly unparliamentary.

Mr. Kochikal P. Balakrishnan Tampi: He must withdraw that expression.

President: Order, order. The word 'silly' has been the subject of much discussion even elsewhere. It has been stated that an honourable member can be accused of being silly without coming within the unparliamentary ambit. And there are many things which are parliamentary and which according to courtesies of the House are not indulged in. I appeal to the honourable members not to do so.

Mr. Kochikal P. Balakrishnan Tampi: Can I retort that by saying barbarian or some such thing?

President: The Chair will then exert itself to find whether it is unparliamentary or not. (*Laughter*).

Sahib Bahadur T. Mahomed Ismail: I may also say that the policy of the Government is also to protect religion. If one particular community says that this enactment is against their religion, Government ought to give due weight to their sentiments. Therefore, it is my humble request to the honourable members of this House and to the members of Government to see that my amendment is passed so that we may not be subjected to this law which we do not want.

The amendment was put and lost.

Mr. Sahib Bahadur T. Mahomed Ismail: Sir, I demand a poll.

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A poll was taken and the House divided as follows:--

AYES—5.

1. Sahib Bahadur M. Sulthan Muhiadheen
2. Sahib Bahadur Haji Hassan Yacob Sait.
3. Mr. James Fletcher
4. Sahib Bahadur T. Mahomed Ismail
5. Sahib Bahadur Abdul Tayeb Shaikh Kaderbhoy.

NOES—12.

1. Mr. M. Govindan
2. Mrs. Renganayaki
3. Mr. T. K. Kitten
4. ,, Kallur Narayana Pillai
5. ,, A. Easwara Pillai
6. ,, K. M. Kesavan
7. ,, Kottur Kunjukrishna Pillai
8. Mr. Kochikal P. Balakrishnan Tampi
9. ,, Chellam Pillai
10. ,, K. K. Kuruvilla
11. ,, T. Krishna Pillai
12. ,, P. I. Simon.

NEUTRALS—19.

1. Rajyasevapravina G. Parameswaran Pillai
2. Mr. Puthupalli S. Krishna Pillai
3. ,, A. Lekshminarayana Ayyar
4. ,, A. Gopala Menon
5. ,, I. C. Chacko
6. ,, K. Kunjan Pillai
7. ,, C. P. Gopala Panicker
8. ,, K. R. Narayana Aiyar
9. ,, K. P. Padmanabha Menon
10. Mr. M. K. Anantha-siva Aiyar
11. ,, G. Narayana Aiyar
12. ,, T. W. U. Park
13. ,, P. R. Godavarma Raja
14. ,, C. N. Thuppan Namboodiri
15. ,, N. Krishna Aiyar
16. ,, V. Sankara Menon
17. ,, Thomas Chandy Mukkadan
18. Mrs. Abernam Gnanasikhamony
19. Mr. E. K. Kuriyppe

The motion was declared lost.

Sahib Bahadur T. Mahomed Ismail : Sir, before the House proceeds with the next amendment I wish to make a statement. Since we the Muslims believe that the paovisions of this Bill are against the fundamental principles of Islam we think that it is our duty not to participate in the further proceedings of this Bill. Therefore, as a protest against the action of the majority in imposing a law on an unwilling minority we walk out of this House. (Mr. Ismail and other Muslim non-official members walked out of the Chamber).

Amendment No. 2.

Mr. James Fletcher : Sir, I beg to move the following amendment :—

"Add the following as sub-clause (2) of Clause 2 numbering the present Clause 2 as sub-clause (1) of Clause 2 :—

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'Notwithstanding anything contained in sub-clause (1) of Clause 2, the provisions of this Act shall not be applied to the members of the Christian community.'

Sir, so far as Catholics are concerned, my submission is that the Church does not allow any marriage outside its principles. Marriage is a sacrament and as such has to be conducted with certain rituals under certain persons who are authorised to conduct such marriages, especially the priests. Under this Bill the marriage will be only a contract which may exist for a short time or for a long time. And this contract also allows divorce at any time. The Catholic Church does not permit short-time marriages. According to it a marriage is binding on both parties as long as they live. They cannot think of a divorce.

President: Order, Order. Does the honourable member apply this to the other member of the Christian community or to only Catholics?

Mr. James Fletcher: I am beginning with the Catholics, Sir.

President: But I find that the amendment refers to the Christians as a whole. And divorce is permitted in other Christian denominations.

Mr. T. W. U. Park: I may say for the information of the honourable member that there are various communities other than Catholics where divorce is not permitted.

Mr. James Fletcher: There may be such communities.

Mr. Puthupally S. Krishna Pillai: Is there not a law in British India enabling divorce?

Mr. James Fletcher: There may be such law there.

Mr. Puthupally S. Krishna Pillai: Is there any law in Travancore prohibiting divorce?

Mr. James Fletcher: Here there is no law for either allowing divorce or for prohibiting the same. Sir, in any case, divorce is against the religious canons of the Christians in Travancore.

President: I am speaking subject to correction. I think judicial separation is permitted in Christian tenets.

Mr. James Fletcher: Yes, Sir. Judicial separation is permitted.

Mr. K. K. Kuruvilla: May I know whether His Holiness the Pope can allow a divorce?

President: Annulment of marriage, judicial separation and divorce stand on separate footings. I believe I am correct.

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Mr. James Fletcher: Sir, what I submit is that as the principles contained in the Bill are opposed to the canons of the Catholic religion, the Catholics should be exempted from the operation of this legislation.

Sir, this Bill may be necessary in a country where religion is not a very important factor. Here we are bound by the principles of religion in all our social conducts. Religion has a great hold on the people of our country.

Mr. Kochikal P. Balakrishnan Tampi: Which is the country where religion has no hold?

Mr. James Fletcher: I mean Russia.

Mr. Kochikal P. Balakrishnan Tampi: Is not the Church powerful in Russia?

Mr. James Fletcher: Not at present. Now, Sir, in a socialistic country a Bill of this sort is necessary. Those countries allow short-time or long-time marriages, divorce and other things. Moreover the existence of this Bill may be an inducement to our people to adopt the principles of the Communistic Russia here also. So, I submit, Sir that this Bill may exclude Christian's from its operation. So far as the Hindus are concerned marriage is a sacrament for them also.

Mr. Puthupally S. Krishna Pillai: Have the Catholics been exempted from the British Indian Civil Marriage Act?

Mr. James Fletcher: Christians are all exempted from the operation of that Act. Another reason for the exemption of the Christians is that this law will bring a certain amount of misunderstandings among the members of the various communities. Though the children may become undenominational, we will find much heart-burnings and domestic troubles on account of them.

President: That does happen with regard to the union between Catholics and non-Catholics. The question of bringing up the children has often arisen in such families whether the children should follow the father's faith or the mother's faith. So much so, special arrangements are made in certain families in this respect.

Mr. James Fletcher: In any event, such marriages are few in our country and very rare even in a place like Cochin where this law has been introduced. With these words I once again request the honourable members to accept my amendment with regard to the exclusion of Christians from the operation of this Bill.

Mr. K. K. Kuruvilla: Sir, We Christians believe that marriage is a sacrament and we have our own rites and ceremonies in connection with such marriages. I welcome this Bill on that very ground. I believe that in all religions there should only be true followers, true Hindus, or true Christians, or true Muhammedans and the communities concerned may excommunicate those in their fold who are not true to their religion.

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Mr. Kochikal P. Balakrishnan Tampi: How many will be left behind?

Mr K. K. Kuruvilla: It may be that only a dozen or two are left within the fold of each religion; but the world will be much better if only people who have true ideals live together and have communion with each other for their common good. I do not believe that numbers will greatly help the progress of the world and for bringing in the Kingdom of God. Therefore what I claim for the Christian Church is that rite to excommunicate from that Church every one who misbehaves or violates the principle of the Church. I welcome this Bill because I for my own Church desire that every man who marries outside the principles of the Christian religion should be excommunicated. I would rather have a world of true religious people on the one side and a world of men and women without it on the other.

Mr. Kochikal P. Balakrishnan Tampi: Is it not a case of inverted fenaticism?

Mr. K. K. Kuruvilla: To my mind it seems that only those who hold true to their religion and religious principles must remain within the religious fold and that all others must remain outside it. If a particular Christian wants to marry somebody other than a Christian and he does not want to live by the faith and the principles of the Christian religion, let him marry and live according to the particular standard which the society sets up for him. I therefore support this Bill, while at the same time I hold very tenaciously to the principles and rites of my own Church.

The amendment of Mr. James Fletcher was put to vote and declared lost.

Mr. C. N. Thuppan Namboodiri (*Travancore Jenmies*): സർ, ഈ ബില്ലിന്റെ പരിധിയിൽനിന്നു ബ്രാഹ്മണസമുദായത്തെ ഒഴിവാക്കണമെന്നുള്ള ഒരു ഭേദഗതിയാണു് ഞാൻ ഇവിടെ അവതരിപ്പിക്കാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതു്. ഇങ്ങനെ ഒരു ഭേദഗതി കൊണ്ടുവരുന്നതിനുള്ള കാരണം നമ്പൂതിരിഅകളിൽ അറാ അളോഹരഭാഗത്തിനു വ്യവസ്ഥയില്ലാത്തതു കൊണ്ടാകുന്നു. ഇന്നു നമ്പൂതിരികുടുംബങ്ങളെല്ലാം അവിഭക്തമായി കഴിഞ്ഞുകൂടുകയാണു്. അവിഭക്തമായി കഴിഞ്ഞുകൂടുന്ന കുടുംബത്തിലെ ഒരംഗം വിവാഹം സാധാരണ നടത്താൻപാടില്ലാത്തതായ ഒരു സമുദായത്തിൽനിന്നോ മതത്തിൽനിന്നോ ഒരു സ്ത്രീയെ വിവാഹം ചെയ്യുന്നു എന്നിരിക്കട്ടെ. അയാൾ കൂട്ടുകുടുംബത്തിലെ കാരണവരാവുകയും, കുടുംബത്തിൽത്തന്നെ താമസം ഉറപ്പിക്കുകയും ചെയ്താൽ അതു കുടുംബത്തിലെ മറ്റംഗങ്ങൾക്കു ബുദ്ധിമുട്ടുണ്ടാകും. അയാൾ ഏതു മതത്തിലും വിവാ

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[Mr. C. N. Thuppan Namboori.]

ഹനചെയ്യകൊള്ളട്ടെ, എന്നാൽ അയാളെ സംബന്ധിച്ചുള്ള സുഖദുഃഖാദികം അയാൾതന്നെ അനുഭവിക്കണം. അയ്യ് മറ്റുള്ളവരെകൊണ്ടു കൂടി അനുഭവിപ്പിക്കുന്നതു കഷ്ടമാണ്.

നമ്പൂതിരി ആക്ടിൽ അഥവാ അല്ലാഹരിഭാഗത്തിനു വ്യവസ്ഥയുണ്ടായിരുന്നുവെങ്കിൽ ഇങ്ങിനെ ഒരു ഭേദഗതിയുടെ ആവശ്യം ഇവിടെയില്ലായിരുന്നു. അനുമാഹരിഭാഗവ്യവസ്ഥ ആക്ടിൽ ഇല്ലാത്തതുകൊണ്ടു ഈ നിയമം നമ്പൂതിരിസമുദായത്തിൽ ഉള്ളവർക്ക് അന്യമതത്തിൽ വിവാഹം ചെയ്യാൻ ഒരു പ്രോൽസാഹമായിക്കൂടി തീർന്നേയ്ക്കാൻ ഇടയുണ്ട്. ഒരു അംശത്തിനു ഭാഗം കിട്ടണമെന്നുണ്ടെങ്കിൽ അന്യജാതിയിലോ മതത്തിലോ ഈ ബില്ലനുസരിച്ചു വിവാഹം ചെയ്യാൻ മതി. സ്വജാതിയിൽ വിവാഹം ചെയ്താൽ ഭാഗം കിട്ടുകയില്ല. അപ്പോൾ ഭാഗം കിട്ടുന്നതിനുവേണ്ടി അന്യജാതിയിൽ വിവാഹം ചെയ്യുന്നതുണ്ടാകും. ഇതു കൂട്ടുകുടുംബവ്യവസ്ഥിതിയെ നശിപ്പിക്കുന്ന ഒന്നാണ്. കാലസ്ഥിതി മാറുന്തോറും ആചാരവും മാറിക്കൊണ്ടിരിക്കും. എന്നാൽ ചില ആചാരങ്ങളൊന്നും ഇനിയും മാറിയിട്ടില്ല. സ്വജാതിവിട്ടു അന്യജാതിയിലോ അന്യമതത്തിലോ വിവാഹം ചെയ്യുന്ന ആളുകളെ കൂട്ടുകുടുംബത്തിൽനിന്നു ബഹിഷ്കരിക്കേണ്ടിവരും. അതിലേയ്ക്കു ഞങ്ങളുടെ ആചാരം അനുസരിച്ചു ഒരു ആയിരം രൂപാവരെ ചിലവാക്കേണ്ടിവരും. ഇതിനൊക്കെ ഒരു പരിഹാരം ഉണ്ടാക്കേണ്ടിയിരിക്കുന്നു. മി. ഗോദവർമ്മരാജാ രണ്ടു ഭേദഗതി ഇവിടെ കൊണ്ടുവരുന്നതായിട്ടുണ്ടു, അതിൽ കൂട്ടുകുടുംബത്തിന്റെ സംരക്ഷണയ്ക്കു വേണ്ട നിർദ്ദേശങ്ങളും ഉണ്ടെന്നും എന്നെ പറഞ്ഞു മനസ്സിലാക്കി. അങ്ങിനെ ഒരു ഭേദഗതി വരുമ്പോൾ എല്ലാ മെമ്പർമാരുടെയുമായി ആലോചിച്ചു അതിനെ പാസാക്കുമെന്നുള്ള വിശ്വാസമുള്ളതുകൊണ്ടു ഞാൻ എന്റെ ഭേദഗതിയെ അവതരിപ്പിക്കുന്നില്ല.

(At this stage the President left the chair and Mr. M. Govindan, one of the Panel of Chairman took the Chair.)

The amendment was, by leave, withdrawn.

The question that Clause 2 do stand part of the Bill was put and carried.

Clause 2 was added to the Bill,

Clauses 3 to 19.

The question that Clauses 3 to 19 do stand part of the Bill was put and carried.

Clauses 3 to 19 were added to the Bill.

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Clause 20

Mr. K. K. Kuruvilla : Sir, I move that in Clause 20 before the word " Marriage " the word " Civil " be added. We have our marriages performed according to our own rites and those who prefer to marry according to those rites must adhere to the laws of our Church and denomination. The dissolution of marriage or divorce must not affect any form of marriage other than the one advocated in the Bill. I therefore suggest that my amendment be accepted. I hope the House will appreciate my point of view.

Chairman : In sections preceding Clause 20, which we have passed already, the word " Marriage " alone appears, and I do not see any reason why the marriage in this clause should be amended. Further this Bill will apply only to marriages under this Bill and it is on that understanding that the preceding sections where the word " Marriage " occurs have been passed.

Mr. K. K. Kuruvilla : I am much obliged to the Chair for the statement that this Bill relates only to Civil Marriages and not to marriages conducted according to other rites. I want if possible to hear what the Legal Remembrancer has to say in the matter.

Mr. Puthupalli S. Krishna Pillai : Sir, all the provisions contained in this Bill apply only to marriages celebrated in accordance with the provisions of this Bill. In the preamble we provide that it is intended to deal with marriages which could not be contracted under any other law. The Bill itself is called " Special Marriage and Succession Bill." In most of the sections we simply use the word "Marriage " indicating marriage celebrated in accordance with the provisions of this Bill. It will not cover any other marriage which does not fall within the ambit of this Bill. Therefore the use of the word " Civil " before the word " Marriage " would be superfluous. Further if we adopt the present amendment in Clause 20, the same will have to be adopted in all the other sections of the Bill where the word " Marriage " occurs.

Mr. K. K. Kuruvilla : In the light of the statements by the Legal Remembrancer that the marriage in this Bill refers only to Civil Marriage, I withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. K. K. Kuruvilla : Sir, I move that sub-clause (ii) of Clause 20 be deleted. Mutual consent is a matter very difficult of expression. The closer people live together the greater is the occasion perhaps to have differences of opinion and in a fit of anger the man and woman may mutually consent to have a registered document of divorce about which a week or a month after they may regret.

Mr. Puthupally S. Krishna Pillai : If they regret, is there anything to prevent them from remarrying under this Bill ?

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Mr. K. K. Kuruvilla: Well, Sir, I have heard that this custom exists in Russia. If we introduce such a kind of marriage and re-marriage, a man may marry in Kottayam and after divorce may marry in Chengannur and after divorcing the woman married in Chengannur he may go to Thiruvalla, and so on. It will be a very difficult and dangerous thing. I therefore say that marriage should not be dissolved my mutual consent but only by a formal order of dissolution as provided for in the next sub clause. It will be a great social injustice if we make divorce easy. It will have very dangerous social consequences. I hope that the House will accept my amendment.

The amendment was lost for want of seconding. The question that Clauses 20 and 21 staind part of the Bill was put and crrried.

Clause 22.

Mr. K. K. Kuruvilla: Sir, I move that the word "without" be deleted. I would suggest this amendment on the basis of what I stated before.

Mr. Puthupally S. Krishna Pillai: I may be permitted to point out that the amendment, if accepted, will lead to an absurdity. Mr. Kuruvilla says that the word "without" may be deleted The clause will read as follows:

> "What is reasonable compensation shall, in case of dispute, be determined by the court after an enquiry into the position, means and circumstances or the parties but going into the grounds of the proposed dissolution; and it shall in no case exceed five thousand rupees."

It does not read properly.

Mr. K. K. Kuruvilla: I say that it should be "after going into the grounds." As I said before, anybody may submit a petition and he has no right to say whether the wife or the husband was intsigated by somebody else or whether they came to blows on some insignificent reason. I shall just narrate an incident which occurred at Kozhencherry. A friend of mine saw a woman lying on the road very much ill treated. He wanted to render help to her. Then the people who were nearby said that if he helped her she and her husband would agree together and fight him. In England there is, I understand, a decision called *decree nise* and after 6 months the case is investigated and a decision arrived at. If such a provision is made in a place like England, is it safe to have such an easy system of divorce in Travancore where sentiments play such an important part in human life.

Mr. Kochikal P. Balakrishnan Tampi: Is it the honourable member's view that there should be plentiful washing of dirty linen in the divorce courts?

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Mr K. K. Kuruvilla : Of course. Mr. Tampi can argue a case, but he need not wash dirty linen. He can do it in a private room.

Whether this House accepts this amendment or not, it is dangerous to the healthy social development of this country that divorce should be made so cheap and so easy. I want to make my emphatic protest against this clause which will have the effect of making the social life of this country dangerous.

Mr. Kochikal P. Balakrishnan Tampi : Is the honourable member aware that opinion is not uniform even in Christian countries regarding divorce—about the easiness or otherwise of getting divorce ?

Mr. K. K. Kuruvilla : I am afraid in all these cases my standard is not public opinion, my standard is conscience. So I do not attach very much importance whether public opinion is for this or not.

Mrs. Abernam Gnanasikhamony : I second the amendment.

Mr. Kottur Kunjukrishna Pillai: Sir, I wish to say a word in oppossing this amendment because it should not appear that we are all obvious of the profound moral virtues adumbrated by the mover of this amendment.

(At this stage the President took the Chair.)

By his amendment he wants the parties to be compelled to say things which no decent manier woman would be willing to say and thus further embitter relations. Sir, once it is found that these two people cannot agree, why should anybody else go into the details of their disagreement ? It is absolutely necessary to have the clause as it is in order to serve the humanitarian purpose which my friend has at heart. On the other hand, if the amendment is accepted it will be perpetuating the hardships of married life by compelling them to continue in the unhappy relationship without acknowledging a mistake which evidently happened. You must give them an opportunity to acknowledge a mistake. Civilized opinion is coming round to this view. None of these impositions and inquisitorial methods of keeping married couple together are going to succeed. We have to reconcile ourselves to that not in a spirit of frustration that society is degenerating, but in the spirit that society is becoming more enlightened and progressive. Human relationship should be based on enlightened freedom. So, with all the force at my command I say that this amendment should not be adopted.

The amendment was put and lost.

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[Mr. Kottur Kunjukrishna Pillai.]

The question that Clause 22 stand part of the Bill was then put and carried.

Clauses 23 to 27.

The question that Clauses 23 to 27 stand part of the Bill was put and carried.

Clause 28.

Mr. P. R. Godavarma Raja : Sir, I move the following amendment.

In Clause 28 after the word "property" and before the word "nor," add the following :—

"except the right to joint residence in or management of a joint family including a Marumakathayam tarward."

President : I do not think the wording is all right.

Mr. Puthupally S. Krishna Pillai : It is put in the negative form. I do not know whether his purpose will be achieved by the amendment.

President : The clause says that no person shall obtain certain disabilities. By adding the word "except" how will you achieve your object ?

Mr. P. R. Godavarma Raja : He will incur forfeiture.

President : The wording of the amendment is not legally correct. The Legal Remembrancer will please help the member to draft his amendment properly, and it will be taken up after lunch.

Mr. Puthupalli S. Krishna Pillai : Mr Raja has the same kind of amendment to Clause 32 also. He wants to omit Clause 32. If that is accepted then this will not arise. Mr. Thuppan Nambudiri's contention was that though under the Nambudiri law, a Nambudiri is not entitled to claim partition, for the purpose of defeating that law if a Nambudiri marries an Ezhava, the family property will have to be divided. Mr. Thuppan Nambudiri said that he would withdraw his objection if the House would consider favourably the proposal made by Mr. Raja, one of which is the amendment to Clause 28 and the other is for the omission of Clause 32.

President : That is only one side of it. The question that Clauses 28, 29, 30 and 31 stand part of the Bill was put and carried.

The clauses were added to the Bill.

Clause 32.

Mr. P. R. Godavarma Raja : Sir, I move the following :—

"Delete the whole of Clause 32"

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The honourable member Mr. C. N. Thuppan Nambudiri has suggested the reason why this clause should not form part of the Bill. The Malayala Brahmins Act has not provided for partition of properties. So, if any member of the family marries, according to this Act he gets his share of the property automatically. That may give rise to disruption of the family. There may arise suits and the family will have to bear costs.

President: There is another aspect. What is the position of the senior member of the family when such marriage takes place? So, only one way is possible.

Mr. P. R. Godavarma Raja: According to me, Clause 32 must be deleted and my amendment to Clause 28 also should be passed. But there are some difficulties now.

Rajyasevapravina G. Parameswaran Pillai: Sir, may I put in a word. If this amendment is carried there is this contingency of an unwanted member. He cannot be got rid of even if he wants to. Nor could he himself get away. Suppose a man goes and marries against the will of the other members, seceding from the family becomes impossible.

Mr. P. R. Godavarma Raja: The provision should be such that if a member goes and marries outside, he loses his share of maintenance.

President: There is no question of maintenance in this clause.

Rajyasevapravina G. Parameswaran Pillai: May I make one suggestion. If some amendment is contemplated to Clause 28, these Clauses 28 and 32 may be considered together.

President: But Clause 32 does not take us anywhere. The deletion of that will not give any relief to anybody.

Deletion would apparently lead to the conclusion as the Chief Secretary remarked, that a person who has contracted a marriage let it be somebody whom he ought not to, will nevertheless be a member of the joint family without any right in it. It is impossible either to send him out or for him to go out. But, that is not the result which the honourable member wants. Is it not so?

Mr. P. R. Godavarma Raja: Yes, Sir. Therefore both these clauses may be taken together.

President: I think that to clarify matters the House will now adjourn and meet again at 2 P. M.

The House adjourned at 12-50 P. M. and met again at 2 P. M. under the presidency of Mr. K. K. Kuruvilla one of the Panel of Chairmen.

Mr. C. P. Gopala Panicker, Secretary to Government took the oath and signed the roll.

Chairman: I now permit Mr. Raja to move his amendment.

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Mr. Puthupalli S. Krishna Pillai : Sir, I have put the amendment in a legal form which if acceptable to Mr. Raja and the other honourable members of the House may be considered. The amendment will be read by Mr. Raja.

Mr. P. R. Godavarma Raja : Sir, I move the following amendment:—

Clause 32 shall be renumbered as sub-clause (1) of that clause and before the Explanation the following shall be inserted as sub-clause (2), namely:—

"(2) Notwithstanding anything contained in Section 28 no person who marries under this Act shall be entitled to perform the functions of a Karanavan or manager of the joint family or to reside in the family house."

Mr. Puthupalli S. Krishna Pillai: In that case, there is no need to amend Clause 28 of the Bill.

Mr. C. N. Thuppan Nambudiri.

ഞാൻ ഈ ഭേദഗതിയെ പിൻതാങ്ങുന്നു. ഞാൻ അവതരിപ്പിച്ച ഭേദഗതിയിൽ കാണിച്ചിരിക്കുന്ന ന്യൂനത മി. രാജാവിന്റെ ഭേദഗതി കൊണ്ടു പരിഹരിക്കപ്പെട്ടുമെന്നു കാണുന്നു. ഇപ്പോൾ ഒരു അവിഭക്ത കുടുംബത്തിലുള്ള ആളുകൾക്കു ഈ നിയമം ഈ ഭേദഗതിക്രുടാതെ പാസാക്കുന്നപക്ഷം വളരെ കഷ്ടതകൾക്കും സങ്കടത്തിനും ഇടനൽകുമെന്നുള്ളതിനു സംശയമില്ല. പത്തും പതിനഞ്ചും അംഗങ്ങളുള്ള ഒരു ക്രുട്ടുകുടുംബത്തിൽ അവരെല്ലാവരുംക്രുടി ഒന്നിച്ചു താമസിച്ചുകൊണ്ടിരിക്കുമ്പോൾ അതിലാരെങ്കിലും ഒരാൾ മതംമാറുകയൊ, അല്ലെങ്കിൽ, ഇതര ജാതിയിൽ ഉള്ള ഒരു സ്ത്രീയെ വിവാഹംചെയ്യുകയൊ, ചെയ്തിട്ടു പിന്നേയും ആ കുടുംബത്തിൽതന്നെ താമസിക്കുന്നപക്ഷം ആ ഒരു അംഗത്തിനുമാത്രമേ ആ കുടുംബം ഉപയോഗിക്കാൻ സാധിക്കുകയുള്ളു. ബാക്കിയുള്ള അംഗങ്ങളെല്ലാം കുടുംബംവിട്ടു താമസിക്കുകതന്നെ വേണം. എന്റെ ദേശമായ കുമാരനല്ലൂരിൽ ഒരു നമ്പൂതിരികുടുംബത്തിൽപെട്ട ഒരാൾ വേറെ മതത്തിൽപെട്ട ഒരു സ്ത്രീയെ കല്യാണംകഴിക്കുകയും അവർ ഇരുവരും ആ ഇല്ലത്തുതന്നെ താമസിക്കുകയും ചെയ്തു. ഇപ്പോൾ ആ കുടുംബത്തിലുള്ള മറ്റു ആളുകൾ എല്ലാവരും അവിടെനിന്നും മറ്റൊരു ഗൃഹത്തിൽ മാറിത്താമസിക്കുകയാണ്. അവരെ ആ കുടുംബത്തിൽനിന്നും ഇറക്കുന്നതിലേയ്ക്കു ക്രിമിനൽകേസു കൊടുത്തുനോക്കി. ആ കേസ് തള്ളിപ്പോയി. പിന്നീടു സിവിൽകേസു കൊടുത്തു. ഇപ്പോൾ ഫൈനൽ കൊല്ലം കഴിഞ്ഞിരിക്കുന്നു. ഇനി ഹൈക്കോടതിയിൽ പോയി വിധിയുണ്ടായിക്കഴിയുമ്പോൾ ഏകദേശം ൧൦-൧൫ കൊല്ലം കഴിയും. അതുവരെ അവർ ആ പുരയിടത്തിലെ ആദായം പിടുത്തുകൊണ്ടു താമസിക്കുകയും ചെയ്യും. ഇങ്ങനെ പുരയിടവും അതിലെ ആദായവും മ

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മറ്റുള്ളവർക്ക് നഷ്ടപ്പെടേണ്ടതായിട്ടാണിരിക്കുന്നത്. ഇത് സാധാരണ സംഭവിച്ചുവരുന്ന ഒരവസ്ഥയാണ്. അത് പരിഹരിക്കപ്പെടണം. ഒരു നിയമം പാസാകുന്ന അവസരത്തിൽ എല്ലാ സമുദായക്കാരുടേയും അനുചാരം പെട്ടെന്നു ഉപേക്ഷിക്കാൻ പാടില്ലാതേയും ഇരിക്കും. അതുകൊണ്ട് അതിനേയും പരിഹരിക്കേണ്ടതാണ്. അല്പാത്തപക്ഷം ന്യൂനപക്ഷക്കാരായ ഏതാനും ഞമ്പൂകർക്കെങ്കിലും സങ്കടത്തിന് ഇടവരുന്നതാണ്. അതിനാലാണു, നമ്പൂതിരിസമുദായംപോലെയുള്ള ചില സമുദായങ്ങളെ ഈ ബില്ലിൽനിന്നും ഒഴിവാക്കണമെന്നുള്ള ഒരു ഭേദഗതി ഞാൻ കൊണ്ടുവന്നത്. എന്നാൽ മി. രാജാവിന്റെ ഭേദഗതി എന്റെ ഭേദഗതിയിലുള്ള ചില ന്യൂനതകളെ പരിഹരിക്കുമെന്നു കാണുന്നതുകൊണ്ട് ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിച്ചുകൊള്ളുന്നു.

Mr. Kottur Kunjukrishna Pillai: Sir, I wish to say a few words on this amendment. I see very great justification for the amendment and I will be failing in my duty if I do not sympathise with the objects of the mover of the amendment. But the argument put forward by my esteemed friend Mr. Thuppan Nambudiri speaks of the difficulties that are in existence even without this provision of law so that it may be argued perhaps that if those difficulties exist, now it is not going to be worsened after this Bill is passed. But I do not wish to take that line of argument. Here the amendment though justifiable in the sense that it respects the sentiments of the joint family community has got one defect which I should point out. It is alright to say that a Nambudiri gentleman marrying from one of the communities from which marriages are prohibited by custom and law will create difficulties if he tries to exercise management as Karanavan and insist on the right of residence in the family house. That is conceded and that is effectively prevented by the amendment. If it only went thus far, there would have been no objection at all. But suppose a Nair gentleman marries a Nambudiri lady. He also loses the right of living in the Nair family Tarwad and exercising the right as a Karanavan by the management of Tarwad properties which is not intended by the mover.

Mr. Kochikal P. Balakrishnan Tampi: Does the member know that when a Nambudiri woman marries a Nair, according to her custom she becomes an out-caste and goes down in the social scale very much.

Mr. Kottur Kunjukrishna Pillai: That happens in case when a Nambudiri marries from another religion or a prohibited community. He loses his caste. The question of losing of castes arises in both cases. The mover of the amendment does not intend to

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[Mr. Kottur Kunjukrishna Pillai]

deprive the right of a Nair gentleman who marries a Nambudiri lady for the infringement of custom that he should not live in his Tarwad house. But that is only by way of pointing out that the amendment goes far beyond the intention of the mover. All the same, to accommodate minority opinion and sentiment, I am prepared to go very far indeed and so I have very great pleasure to accept the amendment. Any reasonable objection can be considered and I am prepared to concede and accept it to show that I am personally willing and ready to yield to any reasonable objection.

Mr. P. R. Godavarma Raja: Sir, I am really thankful to the brother members of this House for their spirit of accommodation shown in accepting my amendment. I hope the House approves of it.

The question that Clause 32 as amended stands part of the Bill was put and carried.

Clause 32 was added to the Bill.

The question that Clause 28 form part of the Bill was put and carried.

Clause 28 was added to the Bill.

The question that Clauses 33 to 47 stand part of the Bill was put and carried.

The clauses were added to the Bill.

The question that schedules form part of the Bill was put and carried.

The schedules were added to the Bill.

The question that preamble and Title form part of the Bill was put and carried.

The Preamble and Title were added to the Bill.

Mr. Kottur Kunjukrishna Pillai: Sir, before proceeding further with the Bill, I seek permission of the Chair to move for the passing of the Bill. In spite of the amendment that has been passed, I may be permitted to make the formal motion.

Mr. Puthupalli S. Krishna Pillai: The member is out of order in making this statement. When the motion is made and if anybody objects, he can ask for a ruling of the Chair on the matter. Without doing any such thing, he cannot anticipate an objection and ask to the effect that he must be shown some favour. Therefore first of all he must make a motion. Then he must wait for the consequence of it.

Mr. Kottur Kunjukrishna Pillai: Sir, I am not unaware of all that. I took the precaution of getting permission of the Chair in view of the fact that an amendment has already been carried. It may be possible to take objection to the third reading of the Bill on that score.

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Mr. Puthupalli S. Krishna Pillai : The member has not yet made any motion. It is only on a motion made, he is entitled to get a ruling.

Mr. Kottur Kunjukrishna Pillai : I have not made that motion, I have made only a request to the Chair.

Mr. Puthupalli S. Krishna Pillai: I object to any motion being made that the Bill be passed as a substantial amendment has been made in the Bill.

Mr. Kottur Kunjukrishna Pillai: The Legal Remembrancer can object only if I have made a motion. I have not as yet moved any motion. I have made only a request.

Mr. Puthupalli S. Krishna Pillai: That request ought not to be granted. Clause 32 of the Bill has undergone a substantial alteration in as much as it deprives a person who marries under this Act of all rights of joint living in the family and all rights of management of the properties to which he stood entitled prior to the date of the marriage. Before this amendment was made, there was no disqualification created in respect of a marriage under this Act. The amendment has deprived him of a substantial right and it affects the fundamental principle involved in the Bill. The Bill itself will have to be scrutinised particularly with reference to the new amendment that has been made and the bearing of that amendment upon the different provisions of the Bill. So it is inadvisable that the third reading should be proceeded with just at present. The regular work in connection with the Bill has been finished. After the third reading is over it will not be possible for us to make any consequential amendment that may be found to be necessary. Simply because the Bill has been passed by this House, it cannot become law. It has to go to the other House and when it goes there if that House thinks that there are consequential amendments to be made and that House makes the change, then the Bill has again to be referred to this House. Therefore, the little delay that may be caused by the postponement of the third reading of the Bill will be only to the ultimate benefit of those who are in favour of the Bill.

Chairman: Mr. Kunjukrishna Pillai has made only a request.

Mr. Puthupalli S. Krishna Pillai: Suppose he has made the request anticipating sanction? He has made a request and I have made a counter request.

Mr. Kottur Kunjukrishna Pillai: Sir, I raise to a point of order. Can there be a discussion on a request made by a member?

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Mr. Puthupalli S. Krishna Pillai: I am entitled to draw the attention of the President to all the Rules and Standing Orders bearing on the subject. That is my duty. If I do not do that, the President may decide the matter otherwise.

Chairman: In spite of the arguments of the Legal Remembrancer, I feel that the request of Mr. Kunjukrishna Pillai has to be granted, and the objection can be raised only when the motion is pressed

Mr. Kottur Kunjukrishna Pillai: Sir, I move that the Travancore Special Marriage and Succession Bill may be passed.

Mr. V. Sankara Menon: I oppose it.

Mr. Puthupalli S. Krishna Pillai: Sir, Standing Order No. 46 is that "If any amendment of the Bill is made, any member may object to any motion being made on the same day that the Bill be passed, and such objection shall prevail unless ... ..."

Mr. Kochikal P. Balakrishnan Tampi: Sir, he is limiting the power of the Chair.

Chairman: I have given permission to the member only to move his proposition.

Mr. Puthupalli S. Krishna Pillai: But the Chair has not suspended the Standing Order.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I object to the dictatoral tone to the Chair.

Mr. Kottur Kunjukrishna Pillai: I request the Chair that the Standing Order may be suspended in view of the fact that the amendment is not so very fundamental or dangerous as the Legal Remembrancer puts it. Not that I am not willing to postpone the third reading of the Bill to a further date but I am conscious, Sir, that this amendment is not going to create so many difficulties as anticipated. This Bill has to go to the other House with the amendment and the delay now occasioned for the third reading of the Bill will be quite unnecessary except on the mere technical ground. I submit that it is a very difficult matter for a non-official Bill to be passed through the Legislature mainly because of the want of time and you will find that this Bill which has been introduced years ago had to wait for such a long time to come to this House. Therefore, I request the Chair to consider the very special circumstances in which the mover of a non-official Bill stands, his difficulties and his inconvenience due to want of time and other causes. If the Chair thinks that no great harm will be done if the Standing Orders are suspended and I am allowed to make the motion, I request that the Chair may be pleased to exercise its discretion in my favour.

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Mr. Puthupalli S. Krishna Pillai : I may be permitted to add one or two words more. Standing Order 46 (4) says "At this stage of the motion for passing the Bill, and prior to the making of the motion the Council shall consider the amendments, if any, moved on behalf of Government. No amendments other than those connected with the amendments moved on bahalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage." At the time the motion for the third reading of the Bill is made it is the special privilege of Government to make any motion for any amendment of the Bill which Government may consider reasonable. At 2.20 P. M. one honourable member brings forward an amendment and that is passed. It is the privilege of the Government to make any further amendment before the third reading of the Bill. A Bill which consists of 47 clauses and 2 schedules cannot be examined within such a short time that was available and it is only in public interest that this request is made. Government officers have been co-operating for the furtherance of the Bill. The sponsors of this Bill will, I am sure, acknowledge that one person who is able to contribute to the passage of the Bill has done his share of the work and that is the Legal Remembrancer. There need not be any hurry in the matter.

Mr. M. Govindan : Sir, I rise to support the motion.

Chairman : Do you wish to speak on the motion? I have already come to a decision and I shall give the ruling.

Mr. M. Govindan : Before the ruling is given, I may be heard. After hearing my arguments, the Legal Remembrancer may withdraw his objections.

Chairman : My decision does not depend on somebody's opinion.

Mr. M. Govindan : It is because the Legal Remembrancer has raised the objection that the ruling from the Chair is called for.

Chairman : But I have already come to a decision.

Mr. M. Govindan : Then it is not necessary for me to speak.

Chairman : I have granted the request of the mover. But finding that there is some opposition to the motion I do not feel that I should suspend the Standing Order. I therefore propose that the third reading of the Bill may be postponed.

RESOLUTIONS.

Mr. E. K. Kuriyppe : Sir, I beg to move the following resolution :—

"This Council recommends to Government that a fee not exceeding 10 chs. be levied in Primary Schools for pupils whose guardians get an income above Rs. 50 per mensem and the income derived therefrom be utilised for enhancing the pay of the teachers of such schools."

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[Mr. E. K. Kuriyppe]

സർ, ഈ പ്രമേയം ഞാൻ കൊണ്ടുവന്നതിന്റെ പ്രധാനഉദ്ദേശം പ്രൈമറിസ്കൂളിലെ വാദ്ധ്യാന്മാരുടെ ശമ്പളം വർദ്ധിപ്പിക്കണമെന്നുള്ളതിനെപ്പറ്റി പറയുവാനാണ്. അവരുടെ ഇപ്പോഴത്തെ പരിതാപകരമായ അവസ്ഥയെപ്പറ്റി ആരെങ്കിലും തക്കമുണ്ടെന്നു വിചാരിക്കുന്നില്ല. എന്നാൽ ശമ്പളക്രമീകരണത്തിനു ഗവണ്മെന്റിന് വേണ്ടത്ര ഫണ്ട് ഇപ്പോൾ ഉണ്ടോ എന്നും ചിന്തിക്കേണ്ടതായിട്ടുണ്ട്. ആയതുകൊണ്ടാണ് പ്രൈമറിസ്കൂളുകളിൽ പഠിക്കുന്ന പണമുള്ളവരുടെ കുട്ടികളിൽനിന്നും ഒരു ചെറിയ ഫീസു വസൂലാക്കുന്നതു കൊണ്ടു തരക്കേടില്ലെന്നു ഞാൻ മുണ്ടിക്കാണിച്ചിരിക്കുന്നത്. പണമുള്ളവരുടെ കുട്ടികളെ മാത്രമേ എന്റെ ഈ പ്രമേയം ബാധിക്കുന്നുള്ളൂ. അവർക്ക് എന്തു ഫീസ് ചുമത്തണമെന്നുള്ളതിനെപ്പറ്റി ബഹുമാനപ്പെട്ട മെമ്പറന്മാരോ അല്ലെങ്കിൽ ഡയറക്ടർ അവർകൾതന്നെയോ തീരുമാനിച്ചുകൊള്ളട്ടെ. ചില ആളുകൾ കൊച്ചുകുട്ടികളെ വീട്ടിൽനിന്നു പഠിപ്പിക്കുന്നതിലേയ്ക്ക് പ്രതിമാസം രണ്ടോ മൂന്നോ അഞ്ചോ രൂപ വരെ ചെലവാക്കുന്നുണ്ട്. അതിനാൽ അത്തരം കുട്ടികൾ മാസമൊന്നുക്ക് പത്തു ചക്രംവീതം ഫീസ് കൊടുക്കുന്നതുകൊണ്ട് യാതൊരു ദുഷ്യവും വരാനില്ല. ഇന്ന് ആരുടെ ദുഷ്യംകൊണ്ടാണെന്നു മനസ്സിലാകുന്നില്ല. അഞ്ചും അതും അദ്ധ്യാപകന്മാരെ നിയമിച്ചിട്ടുള്ള പല സ്കൂളുകളിലും ഒന്നോ രണ്ടോ വാദ്ധ്യാന്മാരെ മാത്രമേ കാണുന്നുള്ളൂ. പല സ്കൂളുകളിലും രണ്ടും മൂന്നും ക്ലാസുകൾ ഒരുമിച്ചിട്ട് ഒരദ്ധ്യാപകൻ പഠിപ്പിക്കുന്നതായി കാണുന്നു. ഇപ്പോൾ കുട്ടികളെ പ്രൈമറിസ്കൂളുകളിൽ അയയ്ക്കുന്നതിനു പലരും മടിക്കുന്നുണ്ട്. അവർക്കു ക്ഷയംപിടിക്കും എന്നാണ് പേടി. ആവശ്യത്തിനു അദ്ധ്യാപകന്മാരില്ലാത്തതുകൊണ്ട് കുട്ടികൾ തമ്മിൽ ശണ്ഠയുണ്ടാകുന്നതിനു ഇടയാകുന്നു. ഒരദ്ധ്യാപകനെക്കൊണ്ട് ഫ ൦ ൦ കുട്ടികളേയും മറ്റും പഠിപ്പിക്കുവാൻ കഴിയുന്നതു എങ്ങിനെയാണ്?

Mr. James Fletcher : ഏതു സ്കൂളിലാണ് ഫ ൦ ൦ കുട്ടികളെവച്ച് ഒരദ്ധ്യാപകൻ പഠിപ്പിക്കുന്നത്?

Mr. E. K. Kuriyppe : കോതമംഗലം പ്രൈമറിസ്കൂളിൽ ഞാൻ അങ്ങിനെ കണ്ടിട്ടുണ്ട്. അങ്ങിനെ പല സ്കൂളുകളിലും ഉണ്ട്. വാദ്ധ്യാന്മാരില്ലാത്തതുകൊണ്ട് രണ്ടും മൂന്നും ക്ലാസുകൾ ഒന്നിച്ചിട്ടിരിക്കുകയാണ്. എന്തുകൊണ്ടു ഗവണ്മെന്റ് വേണ്ടിടത്തോളം വാദ്ധ്യാന്മാരെ നിയമിക്കുന്നില്ലാ എന്നുള്ള ഒരു ചോദ്യത്തിന് ഇവിടെ അവകാശമുണ്ട്. പക്ഷേ, അതും അതിനെപ്പറ്റി അന്വേഷിക്കുന്നതിനു തയാറാകുന്നില്ല.

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നേരെമറിച്ച് കുട്ടികൾക്ക് ഒരു ഫീസു ചുമത്തുന്നപക്ഷം അവരുടെ രക്ഷ കർത്താക്കന്മാർ എണ്ണുകൊണ്ടു വേണ്ടിടത്തോളം വാദ്ധ്യാന്മാരെ നിയമിക്കുന്നില്ലാ എന്നു ചോദിക്കുവാൻ തയാറാകും. ഇതുയും പറഞ്ഞുകൊണ്ടു ഈ പ്രമേയം ഞാൻ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. James Fletcher: Sir, I support the resolution. As it is, the students are now given free education in primary schools. I am also of the opinion that those parents who can afford to pay for the education of their children in primary schools should be asked to pay. The poor pupils as well as the rich pupils get now free education. The mover of the resolution desires that those who can afford to pay and those whose incomes are above Rs. 50 per mensem may be asked to pay. Probably my friend might have taken the clue from the recent introduction of payment in hospitals. I do not know whether Government have found it a success with regard to the introduction of payment in hospitals. The mover has fixed Chs. 10 per boy or girl student.

Mr. T. W. U. Park: May I know whether 10 chs. is to be paid annually, or monthly, or daily by the parent?

Mr. James Fletcher: Though it is not specifically stated in the resolution I think the mover might have intended that amount as a monthly payment.

Now, Sir, with regard to the fact that hundred or more boys are clubbed together in a class, I may say that this should not be allowed as one teacher will not be in a position to control all the boys.

Mr. A. Gopala Menon: I beg to question the statement, Sir.

Mr. James Fletcher: Sir, I also really want to know whether it is a fact.

Mr. A. Gopala Menon: No, Sir. It is not a fact.

Mr. James Fletcher: I am gratified to know that this is not a fact. Sir, in many primary schools the full compliment of teachers are rarely found in a school. I am particularly referring to a school in Nedumangad. There two or three teachers were absent for a long time.

Mr. Puthupalli S. Krishna Pillai: How can the absence of teachers in a Government school be remedied by levying 10 chuckrams fee?

Mr. James Fletcher: What I am suggesting is whether the amount is collected from the pupils or not, there should be a reasonable number of teachers in every school and education should be given without reference to the compulsory nature of the payment. The only point is that the amount so collected should contribute to the enhancement of the pay of the teachers.

Mr. Puthupalli S. Krishna Pillai: May I know what is the minimum pay of a teacher?

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Mr. James Fletcher: Rs. 15. We are referring to the schools conducted by Government. There the minimum pay is Rs. 15. Considering the educational qualifications which these teachers possess this pay may be inadequate.

Mr. A. Gopala Menon: May I know what is the qualification prescribed for these teachers?

Mr. James Fletcher: They must pass the IX Class in Malayalam.

Mr. A Gopala Menon: May I know what pay is given to persons in other Departments who have the same qualification?

Mr. James Fletcher: The pay in other departments cannot be compared with the pay of these teachers. In other departments there is scope for getting higher pay more easily than in the case of teachers. In the Judicial Department the people of this qualification can rise up to Rs. 40 or 50 a month. On the other hand a ninth class qualified man who has got himself trained can aspire only up to Rs. 25.

Mr. A. Gopala Menon: No, Sir. They can aspire up to Rs. 50.

Mr. James Fletcher: Why not they get a better pay?

Mr. Thomas Chandy Mukkadan: മറ്റു ഡിപ്പാർട്ടുമെൻറുകളിൽ ജോലിചെയ്തിരിക്കുന്ന ആളുകൾക്ക് ശമ്പളത്തിനും പുറമെ മറ്റു വരവു കൂടി ഉണ്ടെന്നറിയാമോ?

Mr. James Fletcher: I am not referring to any such income otherwise than through legal means.

Mr. Kallur Narayana Pillai: ഒരു വിദ്യാർത്ഥിയുടെ രക്ഷകർത്താവിനെ ഓ ശ്രുപയിൽ കൂടുതൽ വരവുണ്ടെന്നുള്ളതു സംബന്ധിച്ചു കാര്യകർത്താക്കന്മാർക്ക് എങ്ങിനെയാണറിയുന്നതു്.

Mr. James Fletcher: That is why I referred to cess made in the hospitals. If the guardian or parent of a pupil does not give correct figures with regard to his income, the Proverthicar can verify that. Then again the income tax collectors can tell what is the income of a particular person. Therefore it is easy to ascertain who all get more than Rs. 50 per mensem in a district.

Mr. M. K. Ananthasiva Aiyar: Can this be not remedied if we have two sets of schools—one levying enhanced fees and the other levying no fees at all?

Mr. James Fletcher: There should be no distinction among the pupils who are rich and those who are poor. All the children should be allowed to mingle with each other.

Mr. M. K. Ananthasiva Aiyar: May I know from the member whether the character and qualities of certain pupils are deteriorating owing to their mingling with common boys?

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Mr. James Fletcher: I am of the opinion that the common boys should be allowed to mingle with clever and intelligent boys so that they may be benefited of such associations.

Mr. Kochikal P. Balakrishnan Tampi: May I know whether the honourable member is aware that Mr. Ananthasiva Aiyar's common boys become snobish by mingling with the children of the rich?

Mr. James Fletcher: That may also be right. Sir, that the future of our people depends much on—the education of our children. Therefore the teachers should be well paid to induce them to work satisfactorily. For this purpose I support the resolution.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I oppose the resolution although I accept the principle of it. I really welcome the spirit with which Mr. Kuriyppe has moved the resolution. I am really hopeful of the advent of responsible and responsive Government because such resolutions evince that non-officials are coming to shoulder their responsibilities and that they have the moral courage to propose schemes of taxation. To that extent and in that spirit I certainly admire the feeling underlying that resolution.

But I am one with my friend Mr. Fletcher in believing that elementary school teachers need relief more in private schools perhaps than in Government schools. That is not a resolution regarding the department of Education and I do not wish to speak here about the crowded nature of the class-rooms or the lack of furniture or the under-feeding of the teachers and the taught. They are perhaps quite extraneous to this resolution. But I may point out that this resolution in the shape it is is impracticable. I am sorry I gave myself to misunderstand by my friend Mr. Fletcher. Now I knew that Mr. Fletcher never meant a reflection on the guardians. He was only referring to the practice of not giving medicines free to those patients who can afford to pay. But the working in the hospitals has clearly shown that it is very difficult to test the richness of a man. In big hospitals it has come to my knowledge, that very respectable and very rich people describe themselves as very poor people and get medicine free. Non-officials are vying with officials in evading the rules. Peons often have very innocently to claim the parentage of the children so as to evade dues to the hospital. I wish to avoid such things occurring in schools and spoiling the morality of the boys. Let us not try to make guardians swerve more and more from the path of virtue. I am deliberately employing this circumlocutory language just to show that 90 per cent of the guardians would readily say that they are too poor to pay, and also that the trouble and labour involved in collecting the amount would be very great.

Mr. Thomas Chandy Mukkadan: അമ്പതുരൂപയ്ക്കുമേൽ മാസം വരുമ്പോൾ ആഫീസറന്മാരെ കണ്ടുപിടിക്കാൻ സാധിക്കയില്ല?

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Mr. Kochikal P. Balakrishnan Tampi: I do not know how I get more and more sympathetic towards officers. I do not know why they should be singled out, why should they, in the language of the great Galilean, be stoned? Are we not people with income? Why should we not allow our private income to be taxed before we come and dictate terms to the officers or dictate policies which would directly or indirectly tax these officers. I do not think most of the officers are overflowing with money. If they look lofty or uppish, it need not necessarily mean that they are comfortable. If non-officials feel grieved against them because they are lofty or uppish it is not by proposing taxation but by looking more lofty and uppish that they could be brought round. That is by the way.

This resolution is not workable because it is impossible to know the principle by which the list of people who get Rs. 50 or above per mensem could be kept. On the other hand, it is for the Government and the non-officials to consider the possibility of imposing some educational cess which will work on a more equitable basis from the point of view of taxation. I think it contains a great principle also. It is not merely for the luxury of getting oneself taxed, that Mr. Kuriyppe propose this resolution. His aim is noble and good. His aim is that the teachers should be properly paid. All will agree with him as to the necessity of a living wages to that class of people, who on ceremonial occasions are told that they are the makers and the creators of the future citizens often by well-fed people from comfortable chairs. The case of these people should be looked into and I am one with my friends Mr. Fletcher and Mr. Kuriyppe in thinking that elementary educational system has become pathetic because teachers who carry on education have not the means of fair living. Their condition must be improved and funds must be found out. I do not quite agree with Mr. Ananthasiva Aiyar in thinking that there should be regional kenyaisation or regional segregation of the rich and the poor. However much it may be practicable in the locality in which Mr. Ananthasiva Aiyar is carrying on his laudable educational activities, in other parts of the State it is very difficult to segregate the rich and the poor. That principle is always bad and unhealthy. I am also at the same time alive to the point hinted at by Mr. Ananthasiva Aiyar, but under a system of democracy what Mr. John Morley called responsive assimilation would be going on. The children of the refined and educated parents will be subjected to a process of vulgarisation by mingling with the children of the butchers and bakers, and the children of the butchers and bakers correspondingly would become more and more refined than other children of their class, because of their contact with more fortunate children. That is an inevitable process in democracy which Mrs. Partington or Mr. Ananthasiva Aiyar cannot effectively retard. In that connection I remember that oft-quoted saying

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of George Bernard Shaw that when Negroes were converted to Christianity, instead of christianising Negroes it was merely negroising Christianity. Anyway, this resolution is not acceptable in the form in which it is worded. Therefore I would certainly protest against any form of additional burden on the tax payer at this time, when war is coming nearer home when people having an income of less than Rs. 100 need all possible kind of help that philanthropy might suggest. This is not the time to tax them. Therefore to the extent Mr. Kuriyppe says we must tax ourselves for the education of our children I am one with him but I oppose him because this is not the economically the best time to think about it and also because the resolution, as it is worded, is a little impracticable when we consider its applicability to real facts in life.

Mr. Thomas Chandy Mukkadan: സർ, ഈ പ്രമേയത്തെ സംബന്ധിച്ച് എനിക്കും രണ്ടു വാക്ക് പ്രസ്താവിക്കാനുണ്ട്. പ്രമേയപ്രയോക്താവ് ഈ പ്രമേയംമൂലം ഈ സഭയുടെ ശ്രദ്ധയിൽ കൊണ്ടുവരാൻ ആശിക്കുന്ന ആദർശം ഈ ഘട്ടത്തിൽ പ്രത്യേകം സ്വീകാര്യംതന്നെ. പ്രതിദിവസം വൃ ചക്രത്തിൽ കൂടുതൽ പ്രാഥമികസ്കൂളിലെ ഒരദ്ധ്യാപകനു ശമ്പളം കിട്ടുന്നില്ലാ എന്നുള്ളതു പരക്കെ അറിയാവുന്ന ഒരു കാര്യവുമാകുന്നു. എന്നാൽ, നിലവിലിരിക്കുന്ന യുദ്ധത്തിന്റെ പ്രത്യാഘാതംനിമിത്തം ഇടങ്ങഴി അരിക്ക് ഇപ്പോൾ വൃ ചക്രംവരെ വില വന്നിട്ടുണ്ട്. ഒരു ക്ലാസിൽ ഒരദ്ധ്യാപകനു പഠിപ്പിക്കേണ്ടതായി എത്ര കുട്ടികളാണുള്ളതു് എന്നുള്ളതിനെപ്പറ്റിയല്ലാ ഇപ്പോൾ ആലോചിക്കേണ്ടതു്. നിയമപ്രകാരമുള്ള കുട്ടികളുണ്ടായിരുന്നാൽതന്നെയും നിത്യത ചേരുപോലെ കഴിഞ്ഞുകൂടുവാൻ നിവൃത്തിയില്ലാത്ത ഒരദ്ധ്യാപകൻ എങ്ങനെ അവരെ പഠിപ്പിക്കുമെന്നു് നാം ചിന്തിക്കേണ്ടതാണു്. എല്ലാവക്കും അവനവന്റെ നിലയും വിലയുമനുസരിച്ചു സ്വകുടുംബസംരക്ഷണം നിർവഹിക്കേണ്ടതായിട്ടുണ്ടു്. ആ നിലയ്ക്കു തന്റെ അഭിമാനത്തെ സംരക്ഷിച്ചു് നിത്യവൃത്തി ശരിപ്പെടുത്തുന്നതിനു് ഇന്നത്തെ പ്രൈമറിസ്കൂൾ അദ്ധ്യാപകന്മാർക്കു കഴിയുന്നില്ലെന്നുള്ളതു് ഒരു പരമാർത്ഥമായിരിക്കെ ഭാവിയിലെ പൗരന്മാരാകേണ്ട വിദ്യാർത്ഥികളെ അവരാണു പഠിപ്പിക്കേണ്ടതെന്നുകൂടി ഓർക്കുമ്പോൾ ഏറ്റവും ഭയത്തോടും പരിഭ്രമത്തോടും കൂടി ഈ പ്രശ്നത്തെ സമീപിക്കേണ്ടുമതല എല്ലാവർക്കും ഉണ്ടാകുന്നു. അതുകൊണ്ടു് ഇതിനൊരു പരിഹാരം എത്രയും വേഗത്തിൽ കണ്ടുപിടിക്കേണ്ടതാണു്. എന്റെ സ്നേഹിതൻ മി. തമ്പിയുടെ അഭിപ്രായത്തെ പിൻതാങ്ങുന്നതിനു പുറമെ പ്രമേയത്തിലെ തത്വത്തോടും ഞാൻ യോജിക്കുന്നു.

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[Mr. Thomas Chandy Mukkadan]

തിരുവിതാംകൂർരാജ്യത്തിന്റെ ഏറ്റവും പ്രശസ്തമായ ഒരു ഭാഗധേയം പ്രാഥമിക വിദ്യാഭ്യാസത്തിൽ അതിനു ശോഭനമായ ഒരു സ്ഥാനമുണ്ടെന്നുള്ളതാകുന്നു. പ്രാഥമികവിദ്യാഭ്യാസം ഇവിടെ സൗജന്യമായി നൽകപ്പെടുന്നു എന്നുള്ളതാണ് ആ സ്ഥാനം ഈ രാജ്യത്തിനു ലഭിക്കുവാനുണ്ടായ പ്രധാനകാരണം. അങ്ങിനെ രാജ്യത്തിന്റെ ശ്രേയസ്സിനു് ഒരു പ്രധാന പ്രേരകമായിത്തീർന്നിരിക്കുന്ന ഒരു നടപടിയെ ക്ലാസ്സിഫിക്കേഷൻ ഫീസ് ഏർപ്പെടുത്തണമെന്നുള്ള പ്രമേയത്തിലെ ആ വ്യവസ്ഥയോടു എനിക്കു യോജിക്കുവാൻ നിവൃത്തിയില്ല. തിരുവിതാംകൂറിലെ ഭരണാധിപന്മാരുടേയും മഹാരാജാക്കന്മാരുടേയും യഥാർത്ഥമായ ധാർമ്മികബോധം പ്രകടമാകുന്നതു്, കടിൽതൊട്ടികുബേരന്മാരുടെ മണിമാളികവരെ സൗജന്യമായി പ്രാഥമികവിദ്യാഭ്യാസം ലഭിക്കുന്നു എന്നുള്ളതിലാണ്. മി. തമ്പി പറഞ്ഞ ആ കാരണംകൊണ്ടുതന്നെ, തിരുവിതാംകൂറിലെ ൻൻ ശതമാനം ആളുകളും ഒരുനേരത്തെ ആഹാരം ലഭിക്കുവാനുള്ള മാർഗ്ഗം അന്വേഷിച്ചുകൊണ്ടിരിക്കുന്ന ഈ അവസരത്തിൽ ഒരു പുതിയ കരം ഏർപ്പെടുത്തുന്നതിനു നിയമസഭ മുതിരുകയാണെങ്കിൽ അതും അക്ഷന്തവ്യമായിരിക്കും. അതുകൊണ്ടു ഇവയ്ക്കു രണ്ടിനും മദ്ധ്യത്തിൽ നിന്നുകൊണ്ടു് വേറെ എന്തെങ്കിലും ഒരു പോംവഴി കണ്ടുപിടിക്കുവാൻ സാധിക്കുമെങ്കിൽ അദ്ധ്യാപകന്മാരുടെ ഇന്നത്തെ വേതനം കൂട്ടിക്കൊടുക്കേണ്ടതാണെന്നും എനിക്കഭിപ്രായമുണ്ടു്. അതിനുതകത്തക്കവിധത്തിൽ മറ്റെന്തെങ്കിലും നിർദ്ദേശം ഗവണ്മെൻറുതന്നെ കൊണ്ടുവരേണ്ടതാണെന്നു നിർദ്ദേശിക്കുകയും തൽക്കാലം പ്രമേയപ്രകാരം ഈ പ്രമേയം പിൻവലിക്കണമെന്നു് അപേക്ഷിക്കയും ചെയ്യുന്നു.

Mr. K. M. Kesavan : Sir, excepting a spirit of willingness to be taxed on the part of the people, I fear there is nothing to appreciate in this resolution. The resolution is indefinite, vague and impracticable. The honourable mover of this resolution has made it plain, although it was contradicted by the honourable member for Education, that in his place there are primary schools where there are upwards of one hundred pupils in one single class. I do not think it is true. I can understand if he says that there are 50 or 60 boys in certain classes in certain primary schools.

Mr. E. K. Kuriyppe : ഒരു ക്ലാസിൽ ൧൦൦ കുട്ടികളെ പഠിപ്പിക്കുന്നുണ്ടെന്നല്ലാ ഞാൻ പറഞ്ഞതു്. രണ്ടും മൂന്നും ക്ലാസിൽ ഉള്ള കുട്ടികളെ ഒന്നിച്ചു ഇരുത്തി പഠിപ്പിക്കാറുണ്ടെന്നാണു്.

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Mr. K. M. Kesavan : അങ്ങനെയുള്ള അപൂർവ്വങ്ങളായ വേണ്ടതിനെ അടിസ്ഥാനപ്പെടുത്തി ഇതുപോലെയുള്ള ഒരു മഹനീയസഭയിൽ വാദപ്രതിവാദം ചെയ്യുന്നതു് ശരിയല്ലെന്നാണു് എന്റെ അഭിപ്രായം.

Even assuming that there are 50 or 60 pupils in a class or in many classes in primary schools, let us enquire into the causes of this. I have interviewed the Director of Education and I have myself presented such cases before him. His reply was "owing to want of funds I am sorry to increase the grants and provide for new hands to be put in charge of new divisions". That is the fact.

Mr. Thomas Chandy Mukkadan : ഇപ്പോൾ പ്രസ്താവിച്ച ഈ ആശയം പ്രമേയ അവതാരകന്റെ പ്രസംഗത്തിൽ വന്നിട്ടില്ലേ?

Mr. K. M. Kesavan : അല്ല ഞാൻ പറഞ്ഞുകഴിയുമ്പോൾ മെമ്പർക്കു മനസ്സിലാക്കാൻ കഴിയും.

So, before increasing the salary of the low-paid teachers, particularly in the aided primary schools, we have to look to the efficiency of teaching. If that is to be done, we will find that we will have to appoint a number of new hands in many schools. That itself will make a large demand on the public coffers. The mover of the resolution does not contemplate this fact. He forgets that fact and makes the request that the salary of the existing teachers must be increased. Even with regard to that, he has placed no statistics before us. In the first place we have to obtain information as to how many persons there will be in the State having an income of Rs. 50 and above a month. I do not know whether he means net income or gross income. Even assuming that it is gross income, he has not shown the sum of money that he will be able to raise. In the absence of such statistics, how can we work out this impossible and vague resolution? I think that the resolution, as it stands, is quite impracticable. So the first thing I would ask him to do is to prepare statistics to show that sufficient money can be raised and also to show that so many hands will have to be newly appointed and that with the money obtainable a certain percentage of increment can be given to the teachers. In the absence of these facts I am at a loss to understand how the resolution can become the subject of serious discussion in this House. For these reasons, I oppose the resolution, although, as I said, I appreciate the willingness of the people to be taxed to lighten the burden of Government.

Sahib Bahadur T. Mahomed Ismail : Sir, I oppose the resolution. In spite of the democratic principle which prompted the honourable member Mr. Kuriyppe, *viz.*, willingness to submit ourselves to fresh taxation to lessen the burden of Government, I must confess that it is impossible for me to support this resolution, because it contemplates fresh taxation especially at a time when officials and non-officials alike are suffering much on account of war conditions.

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Sahib Bahadur T. Mahomed Ismail]

(At this stage the Dewan-President took the Chair.)

Sir, this is a time when people everywhere are clamouring for free and compulsory primary education and we are also not backward in requesting Government to introduce the system of free and compulsory education. In that case I think much more money than what is available for us to spend on education has to be spent. To increase the tax will be a burden on the ordinary people. It may be said that the ordinary people are getting an income of Rs. 50 or more. But in actual practice it will give rise to great complications. The intention of the honourable mover that the low-paid teachers should be paid more is quite good. But for that money must be found by some other means, either by taxation of the rich or increasing the taxation in some other respects or by asking the Government to pay more money for education so as to increase the pay of the low-paid teachers. But as the resolution stands at present, it is unworkable in practice and it is impossible for me to support it.

Mr. Kottur Kunjukrishna Pillai: Sir, I rise to oppose this resolution. I am really surprised to find the enthusiasm of my honourable friend Mr. Kuriyppe to introduce taxation measures and come to the help of Government. I think, Sir, that the Government of Travancore has not come to such a state of affairs that it requires the benign help of my frind as a financial adviser. Sir, my friend with the intention of finding funds for paying the low-paid teachers wants to impose a burden on the vast number of guardians who send their children to primary schools at great sacrifice. Sir, if we look into the family budgets of the majority of the primary school students, we will find as a matter of fact, that the low-paid primary school teacher is affluent when compared to the meagre of the parents of children in primary schools. He says a limit can be fixed. He says that guardians who get an income of above Rs. 50 per mensem may pay the tax. Actually, it will come to this that one will have to be very careful not to be taxed because a man who owns some little property can easily be brought under this classification. Sir, it is really strange, especially when the responsibility of finding funds is not cast upon us, that this resolution should come from the non-official side. I think that the income that may be derived, if it is worked in a lenient way, will be negligible and will not at all be sufficient to give any substantial increase to the teachers. On the other hand it will be a great discouragement for the progress of literacy in the State. Many persons are not sending students to be educated through all the stages of the primary school, not merely because of the fact that they have not got sufficient funds to pay for the children but also because they find that even the purchasing of books and providing dress are difficult and the very fact that children are sent to schools prevents them from being utilised as earning members for the maintenance of the family. If you add

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another obstacle in the way by payment of fees, there will be sufficient inducement on the part of many people not to send their children to primary schools. I do not know whether my friend Mr. Kuriyppe has the intention of seeing that the position that Travancore occupies with regard to literacy should not be maintained and that it should go down in that. If that is his intention, this House cannot accept the resolution. I think that on the whole this is not a very serious matter for the consideration at least on this side of the House, and I think, Sir, that we should not give our support to this piece of advice to Government for creating obstacles for the spread of literacy. Sir, the cry in every popular body has been to make primary education free and compulsory. There would have been a shadow of a justification if my friend had insisted on the introduction of compulsion also and proposed a measure of taxation, one that will work properly and not the one that he has proposed which is capable of much abuse. If he had proposed an education cess, though there may be two sides to that question, something might have been said for that and it need not have been ignored as this resolution deserves to be ignored.

Mr. A. Gopala Menon: Sir, I am indebted to the honourable members for going so thoroughly into this question which has been raised by my honourable friend Mr. Kuriyppe. It has been remarked that the State has adopted a policy of free primary education and that it will not be acceptable to the House to go back upon that policy. It has also been mentioned that this House has on former occasions demanded that primary education should be made compulsory. Having this in view, any proposal to levy fees on any class of guardians would be to prevent the possibility of the spread of literacy in the State. From the facts before me I have noticed that during the last two years the number of students attending schools has been diminishing year after year.

Between 1115 and 1116 the decrease in the percentage of attendance has been 2·6. In the previous year there has been a similar fall. Therefore, the times are against any attempt at taxing anybody, to levy fees, or in any way to discourage the attendance of pupils in schools. Again, there is one argument that has been mentioned in connection with this measure, and that is that there would be a general awakening of the guardians in the matter of instruction in schools, in the provision of adequate staff and such like necessary arrangements. I must say for the information of the honourable House that to the knowledge of the Department the staff has always been adequate. Although there might have been some delay in the recruitment of new teachers with the consequence that one or two classes might have been combined during the period, there was no occasion to leave schools without teachers. It might so happen that when two teachers are transferred, the substitutes might take time to join, and during that period the classes might be without teachers. Similarly, some times a teacher might go on

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[A. Gopala Menon.]

casual leave for a day or two. It is possible that in the case of a large number of schools spread all over the country, the conditions are not always the same so that sometimes owing to the unavoidable absence of teachers some classes might not be held. The Department is making every attempt to provide sufficient teachers. The recent amalgamation of overlapping schools has released a number of teachers who have been posted to different places where they would be found useful. On this account there need be no taxation, no attempt to awaken the interest of the parents to the needs of the schools.

Then I come to the practical difficulties which have been dwelt upon by my honourable friends. The trouble would be, as has been pointed out, to ascertain the people with an income of Rs. 50 and above. There is at present no list in which they are classified, no agency which collects these figures. The poor primary school teacher will have in future, if this resolution is adopted, to make lists of guardians with the prescribed income. He will have to take the trouble of convincing the authorities, of refuting the objections of assessees, and that would take him away from his legitimate duties and responsibilities. The collection and the audit of fee receipts would be more than sufficient worry for the poor teachers. That would detract the efficiency of their teaching as much as the alleged lowness of their salaries.

I now come to another point which I wish to emphasise in this connection. Government have been for the last 5 years keeping the fees of the children attending middle schools at a low figure. From 18 chs. it has been reduced to 14 chs. And even this 14 chs., many of the pupils are unable to pay. So much so, applications for exemptions from payment of fees are being received every day. I am therefore afraid that any attempt to levy fees in primary schools would not only be a retrograde step but it would be calamitous in the present state of affairs. Much sympathy is felt by the honourable House, by the Government and by all concerned, in regard to the low pay of the teachers in aided schools. I feel that the main reason for the low payment is because only what the Government pay by way of grant reaches the teachers. Government are paying about Rs. 8 per teacher by way of grant. And they are getting only that amount.

Mr. Kochikal P Balakrishnan Tampi: Do all teachers get that grant?

Mr. A. Gopala Menon: An honest effort is made to see that the amount reaches the teachers.

But the point is that all schools do not get even this grant. I would bring to the notice of the House that there is provision in the Education Code enabling private managements, who do not get grants from Government, to levy fees. If there is the possibility of the levy of any fees, they would have attempted it now, by levying 2 chs., 3 chs. or 4 chs. from the pupils attending these classes

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and they would have given some allowance to the teachers in those classes. The fact is that they do not think it advisable to do so, because they know that the levy of any fee would retard the progress of the schools. I do not therefore think that any kind of levy of fees in primary schools is advisable. If the low-paid teachers in grant-in-aid schools require any encouragement the way is open to the management to collect fees. Nothing more than that seems to be desirable or necessary.

If I were to speak of the general condition of the poor children, how they go to the schools in the morning, how they do not get food in the noon, any relief of this kind should be to the poor children and not to the teachers. I request the honourable member not to press his motion.

Mr. E. K. Kuriyppe : ഈ പ്രമേയത്തിന്റെ തത്വത്തോട് എല്ലാവരും യോജിച്ചിരിക്കുന്നതുകൊണ്ട്.....

Mr. Kottur Kunjukrishna Pillai : Sir, the member says that everybody has agreed with the principle of the motion. On the other hand, several members have opposed it.

President : Let the honourable member finish his speech.

Mr. E. K. Kuriyppe : ഇവിടെ പ്രസംഗിച്ച ഭൂരിപക്ഷം അംഗങ്ങളും ഈ പ്രമേയത്തിന്റെ തത്വത്തോട് യോജിച്ചിരിക്കുന്നതായിട്ടാണ കാണുന്നത്. അതുകൊണ്ട് പ്രമേയം പിൻവലിക്കുവാൻ സഭയുടെ അനുവാദം അഭ്യർത്ഥിച്ചുകൊള്ളുന്നു.

The motion was, by leave, withdrawn.

Mr. E. K. Kuriyppe : This Council recommends to Government that so long as the present war continues, the pay of officers receiving at present a pay of above Rs. 200, be reduced at least by ten per cent. and that of Government servants receiving at present a pay of less than Rs. 15 per mensem be raised at least, by ten per cent.

സർ, ചുരുങ്ങിയ ജീവനക്കാരുടെ കഷ്ടതകളും വലിയ ഉദ്യോഗസ്ഥന്മാരുടെ ദൃഷ്ടിയിൽ പെടുത്തണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി മാത്രമാണ് ഞാൻ ഈ പ്രമേയം അവതരിപ്പിച്ചിരിക്കുന്നത്. ഇപ്പോൾ കിട്ടുന്ന ശമ്പളംകൊണ്ടു അവർക്കു ഉപജീവനം കഴിക്കാൻ നിവൃത്തിയില്ലെന്നു വലിയ ശമ്പളംപറ്റുന്ന ഉദ്യോഗസ്ഥന്മാർ കാരുണ്യപൂർവം സമരിക്കേണ്ടതാണ്. പ്രതിമാസം പതിനായിരവും ഇരുപതിനായിരവും രൂപയിൽ കൂടുതൽ സമ്പാദിക്കാൻ കഴിവുള്ള ദിവാൻജിഅവർകൾ ൫൦൦൦ രൂപാ ശമ്പളം മതിയെന്നു തീരുമാനിച്ചിരിക്കുന്നു. അതുപോലെ പല വലിയനിലകളിലും ഇരുന്നിട്ടുള്ള ഒരു മഹാനാണ് ചീഫ്സെക്രട്ടറിഅവർകൾ. ഇവരൊക്കെ ഗവണ്മെൻറിനുവേണ്ടി അത്മാർത്ഥമായി വേല

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[Mr. E. K. Kuriyppe.]

ചെയ്യുന്നവരാണ്. ഇപ്രകാരം സേവനം അനുഷ്ഠിക്കുന്ന വലിയ ഉദ്യോഗസ്ഥന്മാരുടെ ശമ്പളം സ്ഥിരമായി കുറയ്ക്കണമെന്നല്ലാ ഞാൻ പറയുന്നത്. പ്രയാസങ്ങളും വിഷമങ്ങളും വരുമ്പോൾ ഇരുകൂട്ടരും അന്യോന്യം വിട്ടുവീഴ്ചകൾ ചെയ്യേണ്ടതാണ്. അതുകൊണ്ടു യുദ്ധം കഴിയുന്നതുവരെയെങ്കിലും ഉയർന്ന ഉദ്യോഗസ്ഥന്മാരുടെ ശമ്പളം അല്പം കുറച്ച് ചെറിയ ഉദ്യോഗസ്ഥന്മാരെ സഹായിക്കേണ്ടതാണ്.

Mr. Kottur Kunjukrishna Pillai : ഈ ഉദ്യോഗസ്ഥന്മാർക്ക് സ്വന്തമനസ്സാലെ മുഴുവൻ ശമ്പളവും വിട്ടുകൊടുക്കുന്നതിനു എന്തെങ്കിലും തടസ്സമുണ്ടോ?

Mr. E. K. Kuriyppe: മുഴുവൻ ശമ്പളവും വിട്ടുതരണമെന്നഭ്യർത്ഥിക്കുന്നതുശരിയല്ല. അവരുടെയും ആവശ്യങ്ങൾ നടക്കേണ്ടതാണ്.

Mr. Kchikal P. Balakrishnan Tampi: എനിക്കു ഒരു ചോദ്യംചോദിക്കാനുണ്ട്. നെൽകൃഷികൊണ്ടും വ്യാപാരങ്ങളിലുള്ള വിഭവങ്ങൾ കൊണ്ടും സമ്പന്നരായിരിക്കുന്ന അനുദ്യോഗസ്ഥന്മാരും ഇതുപോലെ വിട്ടുകൊടുക്കാൻ തയ്യാറാകുമോ എന്നു.

Mr. E. K. Kuriyppe : വലിയ ഉദ്യോഗസ്ഥന്മാരെപ്പോലെ റബ്ബർത്തോട്ടക്കാരും തേയിലത്തോട്ടക്കാരും തിരുവിതാംകൂറിൽ ഇന്നു കുബേരന്മാർതന്നെയാണ്. അവരുടെ പക്കൽ നിന്നും എന്തെങ്കിലും ഈടാക്കുന്നതിനും എനിക്കു വിരോധമില്ല.

Mr. Kochikal P. Balakrishnan Tampi: എല്ലാം കൃഷി ചെയ്യുന്നവരോ?

Mr. E. K. Kuriyppe : അവർ അധികമില്ലാ, അധികം സമ്പന്നരുമല്ല.

Mr. Mohamed Ismail : പ്രമേയത്തിൽ ഈ കാര്യത്തെക്കുറിച്ചൊന്നും പറഞ്ഞിട്ടില്ലല്ലൊ.

Mr. E. K. Kuriyppe: പറഞ്ഞിട്ടില്ല. ചോദ്യങ്ങൾക്കു മറുപടി പറഞ്ഞുവെന്നേയുള്ളൂ.

The resolution fell through for want of seconding.

Mr. E. K. Kuriyppe: This Council recommends to Government that so long as the present war continues, the major portion the works under the Public Works and Electrical departments be one departmentally.

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കൺട്രാക്ടറന്മാരെക്കൊണ്ടാണ് ഗവണ്മെൻറ് ഇപ്പോൾ ഉള്ള വേലകളിൽ അധികവും ചെയ്യിക്കുന്നത്. അതു പാടില്ലായെന്നും ഗവണ്മെൻറിൽ നിന്നുതന്നെ നേരിട്ട നിവൃത്തിയുള്ളിടത്തോളം വേലകൾ നടത്തണമെന്നും പറയുവാനാണ് ഞാൻ ഈ പ്രമേയം കൊണ്ടുദ്ദേശിക്കുന്നത്.

Mr. M. K. Ananthasiva Aiyar : ഡിപ്പാർട്ടുമെൻറിൽ നിന്നും നടത്തുന്നതിനേക്കാൾ കൂടുതൽ കാര്യക്ഷമതയും ലാഭവും പ്രൈവറ്റ് കൺട്രാക്ടറന്മാർ നടത്തുന്നതിലാണെന്നു മെമ്പർക്കറിയാമോ?

Mr. E. K. Kuriyppe : ഞാൻ ഈ പ്രമേയം കൊണ്ടുവരുന്നതിൻറെ പ്രധാനകാരണം ദുരിതനിവാരണങ്ങൾക്കും മറ്റുമായി ഗവണ്മെൻറു നീക്കിവച്ചിട്ടുള്ള ഫണ്ടു ഉപയോഗിച്ചുനടത്തുന്ന വേലകൾ കൺട്രാക്ടറന്മാർക്കു കൊടുക്കാതെ ഗവണ്മെൻറു നേരിട്ടുനടത്തണമെന്നു ഉൽബോധിപ്പിക്കാനാണ്. ഈ തുകയിൽനിന്നും കൺട്രാക്ടറന്മാർ നല്ല ലാഭമെടുക്കുന്നു. ഇപ്പോൾ കണ്ടളയിൽ വലിയ ഒരു വേല നടക്കുന്നുണ്ട്. ഇതിൽ മിക്കഭാഗവും കൺട്രാക്ടുകൊടുത്തിരിക്കയാണു. അവിടെയുള്ള കൂലിക്കാർ തക്കതായ കൂലിയും ജീവിക്കുന്നതിനു തക്ക സൌകര്യവും ലഭിക്കാത്തതുകൊണ്ടു വളരെ വിഷമിക്കുന്നു.

Mr. Kochikal P. Balakrishnan Tampi : ഈ കണ്ടളവിലാപത്തെക്കുറിച്ചു ഗവണ്മെൻറിനെ ഇതിനുമുൻപു അറിയിച്ചിട്ടുണ്ടോ?

Mr. E. K. Kuriyppe : കണ്ടളവിലാപംപോലെയുള്ള വിലാപങ്ങൾ തിരുവിതാംകൂറിലെ പലസ്ഥലങ്ങളിലും നടക്കുന്നുണ്ട്. കണ്ടളയിൽ ൪ ൦ ലക്ഷം രൂപയുടെ വേലയാണ് അനുവദിക്കപ്പെട്ടിട്ടുള്ളതു.

Mr .Kochikal P. Balakrishnan Tampi: Who is the offending contractor in this case?

President : It has been brought to the notice of Government that in certain localities, outside contractors come and absorb all profits, and that local men have not much chance. I suppose that is the idea.

Mr. E. K. Kuriyppe: കൺട്രാക്ടറന്മാർക്കു വേലകൊടുക്കുന്നതുകൊണ്ടു എനിക്കു ഒരു വിരോധവുമില്ല. പക്ഷേ വേലകൾ തിരുവിതാംകൂർകാർക്കു കൊടുക്കയും കൂലിക്കാർക്കു നിശ്ചിതമായ ഒരു റേറ്റു വച്ചു കൂലി കൊടുക്കണമെന്നു വ്യവസ്ഥചെയ്യുകയും ചെയ്യണമെന്നേയുള്ളൂ.

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Mr. James Fletcher : കൺട്രാക്ടറന്മാർ വേല ചെയ്യിക്കുമ്പോൾ കുറഞ്ഞകൂലിയേ കൂലിക്കാക്കു കൊടുക്കുകയുള്ളുവെന്നും ഗവണ്മെന്റു വേല ചെയ്യിക്കുകയാണെങ്കിൽ വേലക്കാക്കു കൂടുതൽ കൂലികിട്ടുമെന്നും ആണോ മെംബറിന്റെ അഭിപ്രായം?

Mr. E. K. Kuriyppe : അതെ. കൺട്രാക്ടറന്മാർ വേല നടത്തുമ്പോൾ ജോലിയില്ലാതെ വലഞ്ഞുകൊണ്ടിരിക്കുന്ന കൂലിക്കാർ കൊടുക്കുന്ന കൂലിവാങ്ങിക്കൊണ്ട് വേലചെയ്യുവാൻ നിർബന്ധിതരായിത്തീരുന്നുണ്ട്. എന്നാൽ, ഗവണ്മെൻറാണ് ആ വേല നടത്തുന്നതെങ്കിൽ ഏതെങ്കിലും ന്യായമായ ഒരു റേറന്നുസരിച്ച് കൂലി കൊടുക്കുന്നതായിരിക്കും. അതുകൊണ്ടാണ് വിശേഷിച്ചും ക്ഷാമംകൊണ്ടു വലയുന്ന ഈ ഘട്ടത്തിൽ ഈ കാര്യത്തെപ്പറ്റി ഗവണ്മെൻറു വേണ്ടവിധം പര്യാലോചിക്കണമെന്ന് ഞാൻ പറയുന്നതു്. കൺട്രാക്ടറന്മാക്കു വേല കൊടുക്കുകയാണെങ്കിൽ ശരിയായ കൂലി വേലക്കാക്കു കൊടുക്കുന്നുണ്ടോ എന്നും അന്വേഷിക്കണം. ചില കൺട്രാക്ടറന്മാർ കൂലിക്കാർക്കു അരിയും സാമാനങ്ങളും മാത്രം കൊടുക്കുന്നുണ്ട്. ഗവണ്മെൻറുതന്നെ ഈ വേല നടത്തുന്നപക്ഷം അനേകായിരം കൂലിക്കാരെ കിട്ടുന്നതിനു യാതൊരു വിഷമവുമില്ല. ഇതുയും പറഞ്ഞുകൊണ്ടു ഞാൻ ഈ പ്രമേയം അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. Thomas Chandy Mukkadan : സാർ, ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു. ഡിപ്പാർട്ടുമെൻറിൽനിന്നും നേരിട്ടു ജോലി നടത്തുന്നപക്ഷം ജോലിക്കാർക്കു കൂലി ശരിയായികിട്ടും. കൂലികൂടുതൽ കിട്ടുമെന്നല്ലാ, അതായതു സമയത്തുതന്നെ കൂലി കിട്ടുമെന്നുള്ളതാണ് പ്രധാനസംഗതി. കൺട്രാക്ടന്മാർ ജോലി നടത്തുന്നപക്ഷം ബില്ലുമാറിവന്നില്ലാ എന്നുംമറും ഒഴിവുകഴിവുകളും പറഞ്ഞു ഗവണ്മെൻറിനെത്തന്നെ അപഖ്യാതിപ്പെടുത്തി കൂലിക്കാരെ സങ്കടപ്പെടുത്താറുണ്ട്. നാണയത്തിനു പകരം സാധനങ്ങളുംകൊടുത്തു ജോലിചെയ്യിക്കുന്ന പതിവുമുണ്ട്. ഈ അപകടഘട്ടത്തിൽ ഗവണ്മെൻറുതന്നെ നേരിട്ടു ജോലിചെയ്യിക്കുന്നതായാൽ വേലക്കാക്കു അതു ഒരു ഗണ്യമായ സഹായമായിത്തീരുന്നതാണ്. ഡിപ്പാർട്ടുമെൻറിൽനിന്നു ചെയ്യിക്കുന്ന ജോലിയുടെ കാര്യക്ഷമത കൺട്രാക്ടറന്മാർ ചെയ്യിക്കുന്ന ജോലിക്കു കാണുന്നില്ല. ഉദാഹരണമായിപറയുകയാണെങ്കിൽ, അനേകംകൊല്ലങ്ങൾക്കു മുൻപു് ഗവണ്മെൻറിൽനിന്നുതന്നെ പണിയിച്ചതാണ് ആലപ്പുഴയിലെ വാടക്കൽതോട്ടിലുള്ള ഒരു കാൺക്രീറു പാലം. ഇതുവരെ ആ പാലം റിപ്പയർ ചെയ്യേണ്ടതായിവന്നിട്ടില്ല. എന്നാൽ അതിനുശേഷം കൺട്രാക്ടറന്മാർ പണിചെയ്യിച്ച മറു പല പണികളും നിമ്നോഷം നശിച്ചുപോയിട്ടുണ്ട്. ദിവാൻജി

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അവർകളൊ ചീഫ് എൻജിനീയർ അവർകളൊ രാജ്യമൊട്ടുക്കു സഞ്ചരിച്ചുനോക്കുന്നപക്ഷം കൺട്രാക്ടറന്മാർ നടത്തിയിട്ടുള്ള മരാമത്തുകളുടെ കാര്യക്ഷമതക്കുറവിനെപ്പറ്റി ഏറക്കുറെ ബോധ്യപ്പെടാൻ കഴിയുന്നതാണ്.

Mr. V. Chellam Pillai : കൺട്രാക്ടറന്മാർ ചെയ്യിക്കുന്ന വേലകൾ ഡിപ്പാർട്ടുമെൻറിൽനിന്നു മേൽനോട്ടത്തിനായി ആളെഅയച്ചു പരിശോധിപ്പിക്കാറില്ലെ?

Mr. Thomas Chandy Mukkadan : ഉണ്ട്. മെമ്പർ തന്നെ അതിനെപ്പറ്റി നല്ലവണ്ണം അറിയാവുന്ന ഒരാളണ്. ഇവരുടെ മേൽനോട്ടത്തെക്കുറിച്ച് ഇതിനുമുൻപു ഇവിടെ പലതവണ പ്രസ്താവിച്ചിട്ടുണ്ട്. അതുകൊണ്ടുണ്ടു ശരിയായ ഉത്തരവാദിത്വം വഹിക്കുന്ന ഡിപ്പാർട്ടുമെൻറിൽനിന്നുതന്നെ വേല ചെയ്യിക്കണമെന്നു ഞാൻ പറഞ്ഞതു. ഇതിനുമുൻപൊരിക്കൽ ഒരു കൺട്രാക്ടരുടെ വേലയുടെ ദൃഷ്യത്തെപ്പറ്റി ഞാൻ ഇവിടെ പ്രസ്താവിക്കയുണ്ടായി. ചീഫ് എൻജിനീയർ അതു പരിശോധിച്ചൊ എന്നെനിക്കു നിശ്ചയമില്ല; കോട്ടയത്തെ പഴയ ആശുപത്രിയിലെ വാർഡ് പൊളിച്ചപ്പോൾ ചെളി ഇട്ടാണു അതുകെട്ടിയിരുന്നതു എന്നു മനസ്സിലായി. ഇത്തരം പലപണികളും കാണും. ഡിപ്പാർട്ടുമെൻറിൽനിന്നും പണിയിക്കുന്ന കെട്ടിടങ്ങൾ ബലവത്തായിരിക്കും; കൂലിക്കാക്കു കൂലിയുംകിട്ടും. ഒടുവിൽ, വലിയ മെയിൻറനൻസ് ഒന്നും ആവശ്യമില്ലാത്തതുകൊണ്ടു ആ ഇനത്തിൽഗണ്യമായ ഒരു സംഖ്യ ലാഭിക്കാനും കഴിയും. കൺട്രാകറു കൊടുക്കുന്ന ഈ രീതി എങ്ങിനെയുണ്ടായി? കുറെ കൊല്ലങ്ങൾക്കു മുൻപു് ഡിപ്പാർട്ടുമെൻറ്യുക്ഷൻ കേവലം വിദേശിയായിരുന്ന അവസരങ്ങളിൽ ജോലിചെയ്യിക്കേണ്ടസ്ഥലത്തിൻെറ പ്രകൃതമൊ ഇവിടത്തെ ജോലിയുടെ പ്രാദേശികമായ ആനുകൂല്യങ്ങളൊ, ജോലിക്കാരെപ്പറ്റിയൊ, അവക്കു കൊടുക്കേണ്ട കൂലിനിരക്കിനെപ്പറ്റിയൊ ഉള്ള ജ്ഞാനമൊ അവക്കുണ്ടാകാതിരിക്കുന്ന സന്ദർഭങ്ങളിൽ അവരുടെ ഈ അവശതകളെ പരിഹരിക്കാൻവേണ്ടി മാത്രമാണു് കൺട്രാക്ട് സിസ്റ്റം നടപ്പിലാക്കിയതു. ഇപ്പോൾഅതു് ചിലരുടെ സേവക്കുവേണ്ടിയും ഇഷ്ടത്തിനുവേണ്ടിയും കൊടുക്കുന്നുമുണ്ടു്. ഇത്തരം പ്രലോഭനപരമായ പ്രവർത്തനപരിപാടികൾ മാറുന്നതിനുവേണ്ടിയും ഗവണ്മെൻറു ഇങ്ങനെ ഒരു പദ്ധതി കൈക്കൊള്ളുന്നതു അശാസ്യമായിരിക്കും. കാര്യക്ഷമത നോക്കിയാലും ലാഭം നോക്കിയാലും കൂലിക്കാരുടെ രക്ഷ നോക്കിയാലും ഈ പ്രമേയത്തിൻെറ തത്വത്തെ അംഗീകരിക്കേണ്ടതു് ആവശ്യംതന്നെയാണു്.

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Mr. I. C. Chacko: Sir, there is no hard and fast rule even now that a work should be done on contract. Each work is arranged for according to the merits of the case. Sometimes it may be advantageous to do the work departmentally, at other times it is advantageous to give it on contract.

Mr. V. Sankara Menon: May I know, to whom is the advantage?

Mr. I. C. Chacko: Both to Government and for the work. I may say that it is in the best interests of the work and of Government that works are given on contract. Even when works are taken up departmentally, it would be necessary to give portions on contract for the supply of departmental materials as well as for the transport of materials. These works have to be given on piece-work to contractors so that instead of dealing with one contractor we may have to deal with several. As far as labour portion is concerned, low-paid subordinates will have to be entrusted with large sums of money. The complaint on the floor of the House is that there is a lot of corruption in the department and this is a sure way of increasing that corruption. With regard to the point that contractors are making a lot of profit, I may tell the members this much. There is very keen competition among them and works are taken at 25, 30 or even 40 per cent less than the estimated cost and if the works are taken up departmentally, it will not be possible to do works at such low rates. That is what we have learned by experience.

Mr. Kochikal P. Balakrishnan Tampi: What about the Kundala Valley referred to by the member?

Mr. I. C. Chacko: In connection with the Pallivasal Scheme, some work is being carried on there.

President: A reservoir is being constructed there.

Mr. Kochikal P. Balakrishnan Tampi: The member was referring to some atrocities and massacres done by the contractors.

Mr. I. C. Chacko: There was no such atrocity at all. The Dewan-President himself in the course of the remarks on the P. W. D. Demand during the Budget Session has stated thus :—

"The P. W. D. should act as a kind of clearing house transacting as much work as possible through a number of local firms, or syndicates in which the capitalists and qualified private engineers would co-operate for the purpose of carrying out small as well as big works and that it will conduce to much greater advantage and much less corruption if Government were able to hand over as

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many contracts as possible on certain defined and formulated terms to syndicates, organisations or private persons who are duly equipped with capital and who do not flinch from taking the assistance and advice of duly qualified engineers belonging to Travancore as far as possible."

Mr. I. C. Chacko: The present resolution is really a retrograde step. Moreover, in carrying out the works departmentally, the time and energy of the technical men of the department have to be frittered away on non-technical matters of detail. Generally speaking, it is better to arrange works on contract basis. But there is no hard and fast rule. As I said, each case will be dealt with on its own merits.

President: Before putting this resolution to the vote, I think I may explain the position. Mr. Chacko has already drawn the attention of the House to some remarks that fell from me. The position that I took then and to which I adhere now is this. There are a certain number and an increasing number—thanks to the University and to the Engineering College—of qualified engineers belonging to Travancore. There are many ways in which engineers may occupy themselves. One of those ways is to apply for appointments in the Department of Public Works and to wait indefinitely also applying for exemptions on stated occasions. Another way which I have advocated in the remarks to which attention has been drawn is for them to start as contractors in their own or other localities taking advantage of their knowledge of those localities and the local needs. The advantage of such a procedure is this. The Department of Public Works has got many men serving in various capacities. Some men are very highly qualified, others not so highly qualified. And, as Mr. Chacko has stated, it would be rather a pity and a waste of time and energy if the details of the work of contract were to be supervised, say, earthwork or things of that kind, by a superior engineer.

Take for instance the work at Kundala. It is a work involving the very highest technical skill. Honourable members will realise that upon the careful initiation of the reservoir, the skilled design of the work and meticulous supervision over the details of the work may depend the safety of the dam. The House may recollect and realise that when the reservoir is completed it will be an artificial lake, seven or eight square miles in area, probably 3 to 4 miles long. A little slackness in the supervision of the construction of that dam will cause most calamitous results not only to the surrounding districts but also to the entire population living lower down the hill. In such a case it is well that the constructors are men of the highest expert skill so that they may from day to day, with the aid and assistance of their expert knowledge, scrutinise

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[President.]

those works and their expert skill may serve as a kind of auxiliary to that of the P. W. D. In such technical and complicated matters it is well to have contractors who are technically qualified and are assisted by qualified Engineers.

In Travancore there are Engineers in active service, retired Engineers and Engineers about to retire and if some of them engage themselves in this task of acting as contractors, their experience, skill and engineering knowledge may be utilised by Government. If such people approach the Government offering themselves as contractors, Government will be glad to entrust the works to them, provided they secure the assistance of discerning capitalists. But it is only certain types of work that can be so entrusted. There are relief distress works in Shertalla and the coastal regions in which case Government have insisted that the contractors should be local men and the labour should be local labourers and that the situation should not be exploited by outside contractors or labour. Honourable members will thus realise that Government have no general doctrine or rule laid down as applicable to all cases alike in the matter of giving contracts.

Mr. E. K. Kuriyppe: I do not press the resolution.

The resolution was, by leave, withdrawn.

The following resolution was not moved :—

M. E. K. Kuriyppe: "This Council recommends to Government that in the construction of the dam at Kundala in connection with the Pallivasal Hydro-Electric Scheme, the portion of the work not yet entrusted to contractors, be done departmentally."

President: The House will now adjourn *sine die*.

The House adjourned *sine die* at 4-50 P. M.

V S. ARUMUGHAM PILLAY,
Secretary to the Sri Chitra State Council.

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